

Ont
Bills
3rd floor





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LEGISLATIVE ASSEMBLY OF ONTARIO

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3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to repeal
The Municipal Subsidies Adjustment Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Act is repealed effective the 1st day of January, 1976. Municipalities that have, before that date, qualified for the payment of adjusted grants by reason of an annexation or amalgamation will continue to receive such grants during the period over which they are payable, despite the repeal. At the option of the Minister of Transportation and Communications or of the Treasurer of Ontario, depending on the nature of the entitlement to the adjusted grants, the obligation that is due over a period of years may be discharged by way of a lump sum payment.

BILL 102

1976

**An Act to repeal
The Municipal Subsidies Adjustment Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) *The Municipal Subsidies Adjustment Act*, being chapter ^{Act,} 291 of the Revised Statutes of Ontario, 1970, is repealed. ^{repealed}
- (2) Notwithstanding subsection 1, where any municipality ^{Application} has qualified for the payment of an adjusted grant or ^{to existing} adjusted ^{grants} grants under the said Act prior to the day on which this Act comes into force, sections 1, 3 and 4 of the said Act continue to apply in respect of the payment of such adjusted grants and the total amount of adjusted grants payable to any municipality may, where the appropriate Minister considers it desirable, be paid in a lump sum.
2. This Act shall be deemed to have come into force on the 1st ^{Commence-} day of January, 1976. ^{ment}
3. This Act may be cited as *The Municipal Subsidies Adjust-* ^{Short title} *ment Repeal Act, 1976.*

BILL 102

An Act to repeal
The Municipal Subsidies
Adjustment Act

1st Reading

June 8th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 102

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to repeal The Municipal Subsidies Adjustment Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

The following is a list of the names of the persons who have been
 appointed to the various positions in the office of the
 Secretary of the State, for the year 1884.

The following is a list of the names of the persons who have been
 appointed to the various positions in the office of the
 Secretary of the State, for the year 1884.

List of names	
1. John A. Smith	2. John B. Jones
3. John C. Brown	4. John D. White
5. John E. Green	6. John F. Black
7. John G. Gray	8. John H. Blue
9. John I. Red	10. John J. Yellow
11. John K. Purple	12. John L. Pink
13. John M. Brown	14. John N. Green
15. John O. White	16. John P. Black
17. John Q. Gray	18. John R. Blue
19. John S. Red	20. John T. Yellow
21. John U. Purple	22. John V. Pink
23. John W. Brown	24. John X. Green
25. John Y. White	26. John Z. Black

BILL 102

1976

**An Act to repeal
The Municipal Subsidies Adjustment Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) *The Municipal Subsidies Adjustment Act*, being chapter 291 of the Revised Statutes of Ontario, 1970, is repealed. <sup>Act,
repealed</sup>
- (2) Notwithstanding subsection 1, where any municipality has qualified for the payment of an adjusted grant or grants under the said Act prior to the day on which this Act comes into force, sections 1, 3 and 4 of the said Act continue to apply in respect of the payment of such adjusted grants and the total amount of adjusted grants payable to any municipality may, where the appropriate Minister considers it desirable, be paid in a lump sum. <sup>Application
to existing
adjusted
grants</sup>
2. This Act shall be deemed to have come into force on the 1st day of January, 1976. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Municipal Subsidies Adjustment Repeal Act, 1976*. ^{Short title}

An Act to repeal
The Municipal Subsidies
Adjustment Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 14th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Employment Standards Act, 1974**

MR. BOUNSALL

EXPLANATORY NOTE

The purpose of the Bill is to reduce the work week from forty-eight hours to forty hours and to require employers to pay overtime for work done in excess of forty hours per week rather than forty-four hours.

The Bill also ensures that persons employed in the growing of flowers for the retail and wholesale trade and persons performing homework will be included in these provisions under sections 17 and 25.

BILL 103

1976

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 17,
re-enacted

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty in the week. Maximum
working
hours
R.S.O. 1970,
c. 221

2. Subsection 1 of section 25 of the said Act is repealed and the following substituted therefor: s. 25 (1),
re-enacted

(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty hours in any week, he shall be paid for each hour worked in excess of forty hours overtime pay at an amount not less than one and one-half times the regular rate of the employee. Overtime
pay

3. The said Act is amended by adding thereto the following section: s. 25a,
enacted

25a. Notwithstanding anything in this Act or the regulations to the contrary, for the purposes of sections 17 and 25, employee shall be deemed to include a person, Interpre-
tation

(a) employed in the growing of flowers for the retail and wholesale trade; and

(b) performing homework.

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Employment Standards Amendment Act, 1976*. Short title

BILL 103

An Act to amend
The Employment Standards
Act, 1974

1st Reading

June 8th, 1976

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Provincial Parks Act**

THE HON. L. BERNIER
Minister of Natural Resources

EXPLANATORY NOTES

SECTION 1. The present definition section (section 1) of the Act is updated and enlarged. The new definitions are in clauses *a*, *b*, *c*, *e* and *i*.

BILL 104

1976

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "assistant superintendent" means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations;
- (b) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*;
- (c) "master plan" means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "park warden" means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations;
- (f) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;
- (g) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;

R.S.O. 1970,
c. 186

(h) "regulations" means the regulations made under this Act;

(i) "superintendent" means a person who is designated by the Minister as a superintendent to have charge of a provincial park.

s. 7a,
enacted

2. The said Act is amended by adding thereto the following section:

Master
plan

7a.—(1) The Minister may prepare a master plan in respect of any provincial park or proposed provincial park.

Idem

(2) The Minister may review a master plan from time to time and make amendments thereto.

s. 12,
re-enacted

3. Section 12 of the said Act is repealed and the following substituted therefor:

Powers of
superinten-
dent, etc.

12. In a provincial park, the district manager, superintendent and assistant superintendent and a park warden and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Parks Amendment Act, 1976*.

SECTION 2. The Minister is authorized to prepare master plans for provincial parks and proposed provincial parks and to review and amend such plans.

SECTION 3. Section 12 of the Act at present reads as follows:

12. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

The re-enacted section 12 redefines the classes of persons that have such power and authority. A reference to a "district forester" was changed to a reference to a "district manager" by section 15 of *The Ministry of Natural Resources Act, 1972*, chapter 4, as re-enacted by section 5 of the Statutes of Ontario, 1973, chapter 105.





BILL 104

An Act to amend
The Provincial Parks Act

1st Reading

June 8th, 1976

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Provincial Parks Act**

THE HON. L. BERNIER
Minister of Natural Resources

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The present definition section (section 1) of the Act is updated and enlarged. The new definitions are in clauses *a*, *b*, *c*, *d*, *f* and *j*.

BILL 104

1976

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "assistant superintendent" means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations;

(b) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*;

R.S.O. 1970,
c. 186

(c) "district manager" means the person in charge of the administrative district of the Ministry of Natural Resources in which a provincial park is situate;

(d) "master plan" means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy;

(e) "Minister" means the Minister of Natural Resources;

(f) "park warden" means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations;

(g) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;

(h) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;

(i) "regulations" means the regulations made under this Act;

(j) "superintendent" means a person who is designated by the Minister as a superintendent to have charge of a provincial park.

s. 7a,
enacted

2. The said Act is amended by adding thereto the following section:

Master
plan

7a.—(1) The Minister may prepare a master plan in respect of any provincial park or proposed provincial park.

Idem

(2) The Minister may review a master plan from time to time and make amendments thereto.

s. 12,
re-enacted

3. Section 12 of the said Act is repealed and the following substituted therefor:

Powers of
superinten-
dent, etc.

12. In a provincial park, the district manager, superintendent and assistant superintendent and a park warden and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

"manager"
substituted
for "forester"

4. The said Act is further amended by striking out "forester" where it occurs and inserting in lieu thereof in each instance "manager".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Provincial Parks Amendment Act, 1976*.

SECTION 2. The Minister is authorized to prepare master plans for provincial parks and proposed provincial parks and to review and amend such plans.

SECTION 3. Section 12 of the Act at present reads as follows:

12. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

The re-enacted section 12 redefines the classes of persons that have such power and authority. A reference to a "district forester" was changed to a reference to a "district manager" by section 15 of *The Ministry of Natural Resources Act, 1972*, chapter 4, as re-enacted by section 5 of the Statutes of Ontario, 1973, chapter 105.

SECTION 4. The word "forester" is changed throughout the Act to "manager".





BILL 104

An Act to amend
The Provincial Parks Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 104

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Provincial Parks Act

THE HON. L. BERNIER
Minister of Natural Resources

THE

THE

THE

BILL 104

1976

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1, re-enacted}

1. In this Act,

Interpre-
tation

- (a) "assistant superintendent" means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations;
- (b) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*;
- (c) "district manager" means the person in charge of the administrative district of the Ministry of Natural Resources in which a provincial park is situate;
- (d) "master plan" means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy;
- (e) "Minister" means the Minister of Natural Resources;
- (f) "park warden" means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations;
- (g) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;

R.S.O. 1970,
c. 186

(h) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;

(i) "regulations" means the regulations made under this Act;

(j) "superintendent" means a person who is designated by the Minister as a superintendent to have charge of a provincial park.

s. 7a,
enacted

2. The said Act is amended by adding thereto the following section:

Master
plan

7a.—(1) The Minister may prepare a master plan in respect of any provincial park or proposed provincial park.

Idem

(2) The Minister may review a master plan from time to time and make amendments thereto.

s. 12,
re-enacted

3. Section 12 of the said Act is repealed and the following substituted therefor:

Powers of
superinten-
dent, etc.

12. In a provincial park, the district manager, superintendent and assistant superintendent and a park warden and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

"manager"
substituted
for "forester"

4. The said Act is further amended by striking out "forester" where it occurs and inserting in lieu thereof in each instance "manager".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Provincial Parks Amendment Act, 1976*.







BILL 104

An Act to amend
The Provincial Parks Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 21st, 1976

THE HON. L. BERNIER
Minister of Natural Resources

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of North Plantagenet

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTE

The Bill authorizes the named municipality to borrow money to the amount mentioned to pay for the cost of certain drainage works undertaken by the municipality pursuant to the provisions of *The Drainage Act*. The normal procedure of application to the Ontario Municipal Board for such authorization is not available to the municipality in this instance by reason of the undertaking having been commenced prior to seeking the Board's approval.

BILL 105

1976

An Act respecting the Township of North Plantagenet

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of North Plantagenet is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$129,339 payable in not more than five years, for the purpose of paying the cost of certain drainage works which have been completed or are presently under construction within the said township shown in the Schedule hereto.

By-law
authorized

2. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1.

Application
of
R.S.O. 1970,
c. 323,
ss. 55-60

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing the Corporation to borrow the moneys mentioned in section 1.

Order
of
O.M.B.
deemed
issued

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Township of North Plantagenet Act, 1976*.

Short title

SCHEDULE

By-law No.	Drain	Costs to be financed
75-4	J. J. Seguin	\$55,520
75-7	2nd Concession	46,279
75-3	Allen Preslye	23,440
75-10	Rejean Leduc	4,100



BILL 105

An Act respecting the
Township of North Plantagenet

1st Reading

June 10th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 105

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of North Plantagenet

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

BILL 105

1976

An Act respecting the Township of North Plantagenet

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of North Plantagenet is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$129,339 payable in not more than five years, for the purpose of paying the cost of certain drainage works which have been completed or are presently under construction within the said township shown in the Schedule hereto. By-law
authorized

2. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1. Application
of
R.S.O. 1970,
c. 323,
ss. 55-60

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing the Corporation to borrow the moneys mentioned in section 1. Order
of
O.M.B.
deemed
issued

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Township of North Plantagenet Act, 1976*. Short title

SCHEDULE

By-law No.	Drain	Costs to be financed
75-4	J. J. Seguin.....	\$55,520
75-7	2nd Concession.....	46,279
75-3	Allen Preslye.....	23,440
75-10	Rejean Leduc.....	4,100







BILL 105

An Act respecting the
Township of North Plangenet

1st Reading

June 10th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 14th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The City of Thunder Bay Act, 1968-69**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. Subsections 4 and 5 of section 8 presently read as follows:

- (4) *The Hydro-Electric Commission of the City of Fort William is hereby dissolved on the 1st day of January, 1970, and all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.*
- (5) *The Public Utilities Commission of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and, in so far as they pertain to the distribution and supply of electrical power and energy, all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.*

The amendment is merely to make it clear that the liabilities assumed by The Hydro-Electric Commission of Thunder Bay are those incurred in connection with the undertakings controlled by the two former commissions of the cities of Fort William and Port Arthur.

Subsection 3. The new subsection 7 provides that any real property held or registered in the name of the two former commissions or the new Hydro-Electric Commission of Thunder Bay shall be deemed to be vested in the City of Thunder Bay.

The new subsection 8 directs that any real property acquired for the purposes of the Thunder Bay Commission shall be taken in the name of the City of Thunder Bay.

The new subsection 9 provides that certain lands and buildings be removed from the control and management of the Thunder Bay Commission and become assets of the City. Such lands may be sold or leased by the City without obtaining the approval of Ontario Hydro and the proceeds belong absolutely to the City.

The new subsection 10 provides that certain other lands and buildings, when no longer required for the purposes of the Thunder Bay Commission, become assets of the City under the same terms as the land mentioned in subsection 9.

The new subsection 11 provides for the payment of compensation to the Thunder Bay Commission by the City of Thunder Bay.

The new subsection 12 provides for the disposition of any other lands and buildings of the Thunder Bay Commission in the event such lands are no longer required for its purposes.

The new subsection 13 makes applicable the general statutory requirements relating to hydro-electric commissions, except as otherwise provided in this section of the Act.

**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 8 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (4),
amended

- (2) Subsection 5 of the said section 8 is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management of and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (5),
amended

- (3) The said section 8 is amended by adding thereto the following subsections: s. 8,
amended
 - (7) Where any real property is held or registered in the name of The Hydro-Electric Commission of the City of Fort William, The Public Utilities Commission of the City Assets
deemed
vested

of Port Arthur or The Hydro-Electric Commission of Thunder Bay, such real property shall be deemed to have vested, as at the date of acquisition thereof, in the corporation of the City by or for which such commission was constituted to the same extent as if the title to such real property had been taken in the name of the corporation of the City at the time of the acquisition of such real property.

Title

(8) Title to all real property acquired and placed under the control and management of The Hydro-Electric Commission of Thunder Bay shall be taken and held in the name of the City.

Lands and premises declared assets of City

(9) The lands and premises set forth in Schedule A hereto are removed from the control and management of The Hydro-Electric Commission of Thunder Bay and are declared to be assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay, notwithstanding the provisions of any general or special Act, and the City may sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Idem

(10) The lands and premises described in Schedule B hereto shall, at such time as they are no longer required for the undertaking of The Hydro-Electric Commission of Thunder Bay, as evidenced by a resolution of such Commission, become assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay and, notwithstanding the provisions of any general or special Act, the City may then sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Moneys

(11) The City shall place under the control and management of The Hydro-Electric Commission of Thunder Bay the sum of \$283,300, of which \$5,000 has already been placed under the control and management of such Commission, and the balance of \$278,300 shall be payable on the 1st day of July, 1976, with interest thereon from the 1st day of August, 1970, compounded annually at the rate of 8 per cent, which total amount the City shall be entitled to raise by any means it deems appropriate.

Disposition of lands and premises

(12) With the exception of the lands and premises set forth in Schedule A hereto, where The Hydro-Electric Commission of Thunder Bay is of the opinion, and so

1870
The following is a list of the names of the persons who have been elected to the office of Justice of the Peace for the year 1870.

1. John A. Smith
2. James B. Jones
3. William C. Brown
4. George D. White
5. Charles E. Green
6. Henry F. Black
7. Thomas G. Grey
8. Robert H. White
9. David I. Black
10. John K. Grey

11. William L. White
12. George M. Black
13. Charles N. Grey
14. Henry O. White
15. Thomas P. Black
16. Robert Q. Grey
17. David R. White
18. John S. Black
19. William T. Grey
20. George U. White

21. Charles V. Black
22. Henry W. Grey
23. Thomas X. White
24. Robert Y. Black
25. David Z. Grey

26. John A. White
27. William B. Black
28. George C. Grey
29. Charles D. White
30. Henry E. Black
31. Thomas F. Grey
32. Robert G. White
33. David H. Black
34. John I. Grey

35. William J. White
36. George K. Black
37. Charles L. Grey
38. Henry M. White
39. Thomas N. Black
40. Robert O. Grey
41. David P. White
42. John Q. Black
43. William R. Grey
44. George S. White

SECTION 2. Certain transactions as set out in the section are declared not to be affected by the provisions of the Bill.

SECTION 3. The subsection proposed to be repealed provided for a reference to the Municipal Board in the event of any doubt as to whether any asset of the Public Utilities Commission of Port Arthur is vested in the City of Thunder Bay. The subsection is not now required in the light of the preceding sections of the Bill.

SECTION 4. The Bill is made retroactive in its operation to the day the new City of The Lakehead (now Thunder Bay) was incorporated.

declares by resolution, that any real property under its control and management is not required for the purposes of The Hydro-Electric Commission of Thunder Bay it may be disposed of as follows:

1. In the event that the City wishes to retain such real property for a *bona fide* municipal purpose, it shall compensate The Hydro-Electric Commission of Thunder Bay for such real property at its actual cost, less accrued depreciation as shown on the books of The Hydro-Electric Commission of Thunder Bay, or the assessed value of such real property, whichever is the greater and the City may sell, lease or otherwise dispose of such real property without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to retain such real property in accordance with paragraph 1, the City shall, as soon as practicable, sell, lease or otherwise dispose of such real property at fair market value and the net proceeds derived from any sale, lease or other disposition of such real property or the compensation paid therefor pursuant to this subsection shall be paid over to The Hydro-Electric Commission of Thunder Bay and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

(13) Except as provided in this section, the general provisions of any Act pertaining to a municipal hydro-electric commission shall continue to apply to the City and The Hydro-Electric Commission of Thunder Bay.

Application
of Acts

2. This Act shall not affect the conveyance by The Hydro-Electric Commission of Thunder Bay to Ontario Hydro dated the 17th day of July, 1975, and registered as Instrument No. 179322 in the Registry Office for the Registry Division of Thunder Bay nor the Lease from Ontario Hydro to The Hydro-Electric Commission of Thunder Bay registered as Instrument No. 182624 in the said Registry Office, nor the Agreement respecting possession of certain lands and premises dated the 28th day of May, 1975, and made between the City and The Hydro-Electric Commission of Thunder Bay.
3. Subsection 3 of section 20 of the said Act is repealed.
4. This Act shall be deemed to have come into force on the 1st day of January, 1970.
5. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976*.

Conveyance,
lease and
agreement
not
affected

s. 20 (3),
repealed

Commence-
ment

Short title

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the following:

FIRSTLY:

The whole of Lots Number Fifty-one (51) and Fifty-two (52) on the West Side of May Street and the South Forty-five and Seventy-eight One-hundredths (45.78') feet in perpendicular width throughout from front to rear of Lot Number Fifty-three (53), all in the said City, according to a Plan registered in the Registry Office for the Registry Division of Thunder Bay as Number W-123.

SECONDLY:

The South Fifteen (15') feet from front to rear of Lot Number One Hundred and Eighty-nine (189) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

THIRDLY:

The North Eighteen (18') feet of Lot Number One Hundred and Eighty-nine (189), the whole of Lot Number One Hundred and Ninety (190) and the South twenty-four (24') feet of Lot Number One Hundred and Ninety-one (191) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 2130 in the Register for City of Fort William Freehold.

FOURTHLY:

The North fifteen and one-half (15½') feet from front to rear of Lot Number One Hundred and Ninety-one (191) and the whole of Lot Number One Hundred and Ninety-two (192) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 1449 in the Register for City of Fort William Freehold.

FIFTHLY:

The Easterly forty-eight (48') feet in the perpendicular width of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Plan Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the whole of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, saving and excepting the Easterly Forty-eight (48') feet in perpendicular width of the said Lots 187 and 188, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.





BILL 106

An Act to amend
The City of Thunder Bay Act, 1968-69

1st Reading

June 10th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The City of Thunder Bay Act, 1968-69**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. Subsections 4 and 5 of section 8 presently read as follows:

- (4) *The Hydro-Electric Commission of the City of Fort William is hereby dissolved on the 1st day of January, 1970, and all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.*
- (5) *The Public Utilities Commission of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and, in so far as they pertain to the distribution and supply of electrical power and energy, all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.*

The amendment is merely to make it clear that the liabilities assumed by The Hydro-Electric Commission of Thunder Bay are those incurred in connection with the undertakings controlled by the two former commissions of the cities of Fort William and Port Arthur.

Subsection 3. The new subsection 7 provides that any real property held or registered in the name of the two former commissions or the new Hydro-Electric Commission of Thunder Bay shall be deemed to be vested in the City of Thunder Bay.

The new subsection 8 directs that any real property acquired for the purposes of the Thunder Bay Commission shall be taken in the name of the City of Thunder Bay.

The new subsection 9 provides that certain lands and buildings be removed from the control and management of the Thunder Bay Commission and become assets of the City. Such lands may be sold or leased by the City without obtaining the approval of Ontario Hydro and the proceeds belong absolutely to the City.

The new subsection 10 provides that certain other lands and buildings, when no longer required for the purposes of the Thunder Bay Commission, become assets of the City under the same terms as the land mentioned in subsection 9.

The new subsection 11 provides for the payment of compensation to the Thunder Bay Commission by the City of Thunder Bay.

The new subsection 12 provides for the disposition of any other lands and buildings of the Thunder Bay Commission in the event such lands are no longer required for its purposes.

The new subsection 13 makes applicable the general statutory requirements relating to hydro-electric commissions, except as otherwise provided in this section of the Act.

**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 8 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (4),
amended

- (2) Subsection 5 of the said section 8 is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management of and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (5),
amended

- (3) The said section 8 is amended by adding thereto the following subsections: s. 8,
amended
 - (7) Where any real property is held or registered in the name of The Hydro-Electric Commission of the City of Fort William, The Public Utilities Commission of the City Assets
deemed
vested

of Port Arthur or The Hydro-Electric Commission of Thunder Bay, such real property shall be deemed to have vested, as at the date of acquisition thereof, in the corporation of the City by or for which such commission was constituted to the same extent as if the title to such real property had been taken in the name of the corporation of the City at the time of the acquisition of such real property.

Title

(8) Title to all real property acquired and placed under the control and management of The Hydro-Electric Commission of Thunder Bay shall be taken and held in the name of the City.

Lands and
premises
declared
assets of
City

(9) The lands and premises set forth in Schedule A hereto are removed from the control and management of The Hydro-Electric Commission of Thunder Bay and are declared to be assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay, notwithstanding the provisions of any general or special Act, and the City may sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Idem

(10) The lands and premises described in Schedule B hereto shall, at such time as they are no longer required for the undertaking of The Hydro-Electric Commission of Thunder Bay, as evidenced by a resolution of such Commission, become assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay and, notwithstanding the provisions of any general or special Act, the City may then sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Moneys

(11) The City shall place under the control and management of The Hydro-Electric Commission of Thunder Bay the sum of \$283,300, of which \$5,000 has already been placed under the control and management of such Commission, and the balance of \$278,300 shall be payable on the 1st day of July, 1976, with interest thereon from the 1st day of August, 1970, compounded annually at the rate of 8 per cent, which total amount the City shall be entitled to raise by any means it deems appropriate.

Disposition
of lands and
premises

(12) With the exception of the lands and premises set forth in Schedule A hereto, where The Hydro-Electric Commission of Thunder Bay is of the opinion, and so



SECTION 2. Certain transactions as set out in the section are declared not to be affected by the provisions of the Bill.

SECTION 3. The subsection proposed to be repealed provided for a reference to the Municipal Board in the event of any doubt as to whether any asset of the Public Utilities Commission of Port Arthur is vested in the City of Thunder Bay. The subsection is not now required in the light of the preceding sections of the Bill.

SECTION 4. The Bill is made retroactive in its operation to the day the new City of The Lakehead (now Thunder Bay) was incorporated.

declares by resolution, that any real property under its control and management is not required for the purposes of The Hydro-Electric Commission of Thunder Bay unless otherwise agreed upon by the City and the Commission it may be disposed of as follows:

1. In the event that the City wishes to retain such real property for a *bona fide* municipal purpose, it shall compensate The Hydro-Electric Commission of Thunder Bay for such real property at its actual cost, less accrued depreciation as shown on the books of The Hydro-Electric Commission of Thunder Bay, or the assessed value of such real property, whichever is the greater and the City may sell, lease or otherwise dispose of such real property without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to retain such real property in accordance with paragraph 1, the City shall, as soon as practicable, sell, lease or otherwise dispose of such real property at fair market value and the net proceeds derived from any sale, lease or other disposition of such real property or the compensation paid therefor pursuant to this subsection shall be paid over to The Hydro-Electric Commission of Thunder Bay and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

(13) Except as provided in this section, the general provisions of any Act pertaining to a municipal hydro-electric commission shall continue to apply to the City and The Hydro-Electric Commission of Thunder Bay.

Application
of Acts

2. This Act shall not affect the conveyance by The Hydro-Electric Commission of Thunder Bay to Ontario Hydro dated the 17th day of July, 1975, and registered as Instrument No. 179322 in the Registry Office for the Registry Division of Thunder Bay nor the Lease from Ontario Hydro to The Hydro-Electric Commission of Thunder Bay registered as Instrument No. 182624 in the said Registry Office, nor the Agreement respecting possession of certain lands and premises dated the 28th day of May, 1975, and made between the City and The Hydro-Electric Commission of Thunder Bay.
3. Subsection 3 of section 20 of the said Act is repealed.
4. This Act shall be deemed to have come into force on the 1st day of January, 1970.
5. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976*.

Conveyance,
lease and
agreement
not
affected

s. 20 (3),
repealed

Commence-
ment

Short title

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the following:

FIRSTLY:

The whole of Lots Number Fifty-one (51) and Fifty-two (52) on the West Side of May Street and the South Forty-five and Seventy-eight One-hundredths (45.78') feet in perpendicular width throughout from front to rear of Lot Number Fifty-three (53), all in the said City, according to a Plan registered in the Registry Office for the Registry Division of Thunder Bay as Number W-123.

SECONDLY:

The South Fifteen (15') feet from front to rear of Lot Number One Hundred and Eighty-nine (189) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

THIRDLY:

The North Eighteen (18') feet of Lot Number One Hundred and Eighty-nine (189), the whole of Lot Number One Hundred and Ninety (190) and the South twenty-four (24') feet of Lot Number One Hundred and Ninety-one (191) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 2130 in the Register for City of Fort William Freehold.

FOURTHLY:

The North fifteen and one-half (15½') feet from front to rear of Lot Number One Hundred and Ninety-one (191) and the whole of Lot Number One Hundred and Ninety-two (192) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 1449 in the Register for City of Fort William Freehold.

FIFTHLY:

The Easterly forty-eight (48') feet in the perpendicular width of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Plan Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the whole of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, saving and excepting the Easterly Forty-eight (48') feet in perpendicular width of the said Lots 187 and 188, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.



BILL 106

An Act to amend
The City of Thunder Bay Act, 1968-69

1st Reading

June 10th, 1976

2nd Reading

June 16th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 106

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The City of Thunder Bay Act, 1968-69

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 106

1976

**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 8 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (4),
amended
- (2) Subsection 5 of the said section 8 is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management of and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (5),
amended
- (3) The said section 8 is amended by adding thereto the following subsections: s. 8,
amended
 - (7) Where any real property is held or registered in the name of The Hydro-Electric Commission of the City of Fort William, The Public Utilities Commission of the City Assets
deemed
vested

of Port Arthur or The Hydro-Electric Commission of Thunder Bay, such real property shall be deemed to have vested, as at the date of acquisition thereof, in the corporation of the City by or for which such commission was constituted to the same extent as if the title to such real property had been taken in the name of the corporation of the City at the time of the acquisition of such real property.

Title

(8) Title to all real property acquired and placed under the control and management of The Hydro-Electric Commission of Thunder Bay shall be taken and held in the name of the City.

Lands and
premises
declared
assets of
City

(9) The lands and premises set forth in Schedule A hereto are removed from the control and management of The Hydro-Electric Commission of Thunder Bay and are declared to be assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay, notwithstanding the provisions of any general or special Act, and the City may sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Idem

(10) The lands and premises described in Schedule B hereto shall, at such time as they are no longer required for the undertaking of The Hydro-Electric Commission of Thunder Bay, as evidenced by a resolution of such Commission, become assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay and, notwithstanding the provisions of any general or special Act, the City may then sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Moneys

(11) The City shall place under the control and management of The Hydro-Electric Commission of Thunder Bay the sum of \$283,300, of which \$5,000 has already been placed under the control and management of such Commission, and the balance of \$278,300 shall be payable on the 1st day of July, 1976, with interest thereon from the 1st day of August, 1970, compounded annually at the rate of 8 per cent, which total amount the City shall be entitled to raise by any means it deems appropriate.

Disposition
of lands and
premises

(12) With the exception of the lands and premises set forth in Schedule A hereto, where The Hydro-Electric Commission of Thunder Bay is of the opinion, and so

declares by resolution, that any real property under its control and management is not required for the purposes of The Hydro-Electric Commission of Thunder Bay unless otherwise agreed upon by the City and the Commission it may be disposed of as follows:

1. In the event that the City wishes to retain such real property for a *bona fide* municipal purpose, it shall compensate The Hydro-Electric Commission of Thunder Bay for such real property at its actual cost, less accrued depreciation as shown on the books of The Hydro-Electric Commission of Thunder Bay, or the assessed value of such real property, whichever is the greater and the City may sell, lease or otherwise dispose of such real property without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to retain such real property in accordance with paragraph 1, the City shall, as soon as practicable, sell, lease or otherwise dispose of such real property at fair market value and the net proceeds derived from any sale, lease or other disposition of such real property or the compensation paid therefor pursuant to this subsection shall be paid over to The Hydro-Electric Commission of Thunder Bay and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

(13) Except as provided in this section, the general provisions of any Act pertaining to a municipal hydro-electric commission shall continue to apply to the City and The Hydro-Electric Commission of Thunder Bay.

Application
of Acts

2. This Act shall not affect the conveyance by The Hydro-Electric Commission of Thunder Bay to Ontario Hydro dated the 17th day of July, 1975, and registered as Instrument No. 179322 in the Registry Office for the Registry Division of Thunder Bay nor the Lease from Ontario Hydro to The Hydro-Electric Commission of Thunder Bay registered as Instrument No. 182624 in the said Registry Office, nor the Agreement respecting possession of certain lands and premises dated the 28th day of May, 1975, and made between the City and The Hydro-Electric Commission of Thunder Bay.

Conveyance,
lease and
agreement
not
affected

3. Subsection 3 of section 20 of the said Act is repealed.

s. 20 (3),
repealed

4. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Commence-
ment

5. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976*.

Short title

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the following:

FIRSTLY:

The whole of Lots Number Fifty-one (51) and Fifty-two (52) on the West Side of May Street and the South Forty-five and Seventy-eight One-hundredths (45.78') feet in perpendicular width throughout from front to rear of Lot Number Fifty-three (53), all in the said City, according to a Plan registered in the Registry Office for the Registry Division of Thunder Bay as Number W-123.

SECONDLY:

The South Fifteen (15') feet from front to rear of Lot Number One Hundred and Eighty-nine (189) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

THIRDLY:

The North Eighteen (18') feet of Lot Number One Hundred and Eighty-nine (189), the whole of Lot Number One Hundred and Ninety (190) and the South twenty-four (24') feet of Lot Number One Hundred and Ninety-one (191) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 2130 in the Register for City of Fort William Freehold.

FOURTHLY:

The North fifteen and one-half (15½') feet from front to rear of Lot Number One Hundred and Ninety-one (191) and the whole of Lot Number One Hundred and Ninety-two (192) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 1449 in the Register for City of Fort William Freehold.

FIFTHLY:

The Easterly forty-eight (48') feet in the perpendicular width of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Plan Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the whole of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, saving and excepting the Easterly Forty-eight (48') feet in perpendicular width of the said Lots 187 and 188, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.



BILL 106

An Act to amend
The City of Thunder Bay Act, 1968-69

1st Reading

June 10th, 1976

2nd Reading

June 16th, 1976

3rd Reading

June 21st, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BOUNSALL

EXPLANATORY NOTE

The purpose of the Bill is to provide that the following would become criteria for the reopening of a contract during its lifetime:

1. The making, giving or issuing of an order, direction or notice against an employer under any Act for health or safety reasons.
2. The changing or proposed changing of the production standards at the place of employment.
3. The introduction or proposed introduction of technological change at the place of employment.
4. The contracting out to other persons work which would ordinarily be carried out by employees of the employer.

BILL 107

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 36,
re-enacted

36.—(1) Every collective agreement shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate, except, Provision
against
strikes
and
lock-outs

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;
- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons.

(2) If a collective agreement does not contain such a provision as mentioned in subsection 1, it shall be deemed to contain the following provision: Statutory
provision

“There shall be no strikes or lock-outs so long as this agreement continues to operate, except,

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;

- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons".

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Labour Relations Amendment Act, 1976*.







An Act to amend
The Labour Relations Act

1st Reading

June 10th, 1976

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the Continuance of Certain
Payments between Municipalities under The Child
Welfare Act, 1965**

THE HON. J. TAYLOR
Minister of Community and Social Services

EXPLANATORY NOTE

The purpose of the Bill is to correct an error in Schedule A referred to in section 6 of *The Statutes Revision Act, 1968-69*. The effect of the error was to repeal section 88 of *The Child Welfare Act, 1965* which was to be left unconsolidated and unrepealed. Since certain payments were made under section 88 from one municipality to another, this Bill will confirm that the payments were not invalidated as a result of the repeal. Section 88 of *The Child Welfare Act, 1965* reads as follows:

88. *Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation.*

Section 6 of Regulation 86 of the Revised Regulations of Ontario, 1970, reads as follows:

6. *The amount per day payable by a municipality under section 88 of The Child Welfare Act, Statutes of Ontario, 1965, chapter 14 shall be determined by dividing the aggregate of the totals of columns 5 and 6 of Part V of Form 1, minus the total of column 4 of the said Part, by the product obtained by multiplying the total in column 2 of the said Part by 365.*

BILL 108

1976

**An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 2 of section 7 of *The Statutes Revision Act, 1968-69*, being chapter 120, and Schedule A appended to the roll as referred to in subsection 1 of section 6 of the said Act and notwithstanding *The Revised Statutes Confirmation Act, 1972*, being chapter 83, section 88 of *The Child Welfare Act, 1965*, being chapter 14 and section 6 of Regulation 86 of the Revised Regulations of Ontario, 1970 made under the said section 88, shall be deemed to have been in force from and including the 1st day of September, 1971 to and including the 31st day of July, 1975.

1965,
c. 14,
s. 88 and
R.R.O. 1970,
Reg. 86,
s. 6 in
force

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Child Welfare Municipal Payments Continuance Act, 1976*.

Short title

An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965

1st Reading

June 10th, 1976

2nd Reading

3rd Reading

THE HON. J. TAYLOR
Minister of Community and
Social Services

(Government Bill)

BILL 108

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to provide for the Continuance of Certain Payments between Municipalities under The Child Welfare Act, 1965

THE HON. J. TAYLOR
Minister of Community and Social Services

BILL 108

1976

**An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding subsection 2 of section 7 of *The Statutes Revision Act, 1968-69*, being chapter 120, and Schedule A appended to the roll as referred to in subsection 1 of section 6 of the said Act and notwithstanding *The Revised Statutes Confirmation Act, 1972*, being chapter 83, section 88 of *The Child Welfare Act, 1965*, being chapter 14 and section 6 of Regulation 86 of the Revised Regulations of Ontario, 1970 made under the said section 88, shall be deemed to have been in force from and including the 1st day of September, 1971 to and including the 31st day of July, 1975.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Child Welfare Municipal Payments Continuance Act, 1976*. Short title

An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965

1st Reading

June 10th, 1976

2nd Reading

June 16th, 1976

3rd Reading

June 18th, 1976

THE HON. J. TAYLOR
Minister of Community and
Social Services

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Ontario Energy Board Act

THE HON. D. TIMBRELL
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Subsection 3 of section 19 of the Act provides for the items to be included in a rate base determined by the Ontario Energy Board and presently reads as follows:

(3) *The rate base to be determined by the Board under subsection 2 shall be the total of,*

- (a) *a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount considered adequate by the Board for depreciation, amortization and depletion;*
- (b) *a reasonable allowance for working capital; and*
- (c) *such other amounts as, in the opinion of the Board, ought to be included.*

The amendment provides for the inclusion of gas supply related investments as an additional item.

Subsection 2. Subsection 2 of section 19 of the Act requires the Board, in making rate orders under subsection 1 of section 19, to determine a rate base and to determine whether the return on the rate base produced by the rate approved by the order is reasonable.

Subsection 7 of section 19 of the Act permits the Board, in the cases set out in subsection 7, to grant a rate order without making the determination of a rate base in the various cases set out in the clauses of subsection 7. The amendment of the first and second lines of the subsection permits the Board, in the cases set out in subsection 7, to dispense with the making of the determinations of rate base and fair return required by subsection 2 of section 19.

New clause *fa* applies to increases in gas costs resulting from gas supply related investments.

BILL 109

1976

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 19 of *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, is amended, ^{s. 19 (3), amended}

(a) by striking out “and” at the end of clause *b*; and

(b) by adding thereto the following clause:

(ba) where the regulations provide for the inclusion thereof, a reasonable allowance for the amount paid by way of an investment in another corporation or body or in any manner whatsoever,

(i) directly or indirectly, to acquire, manufacture or transport or to obtain the right to acquire, manufacture or transport gas for use in Ontario, and

(ii) for a direct or indirect interest in the planning, development, construction, operation or ownership of a project, undertaking or business that is intended to acquire, manufacture or transport gas for use in Ontario,

less any portion thereof determined by the Board to be included in cost of service; and

- (2) Subsection 7 of the said section 19, as amended by the ^{s. 19 (7), amended} Statutes of Ontario, 1973, chapter 55, section 5, is further amended,

(a) by striking out "Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base," in the first and second lines and inserting in lieu thereof "In making an order under subsection 1, the Board may dispense with making the determinations mentioned in subsection 2,";

(b) by striking out "or" at the end of clause *f*; and

(c) by adding thereto the following clause:

(*fa*) in the case of the approval or fixing of increased rates or other charges of a gas transmitter, gas distributor or storage company, where the purpose and effect of increasing the rates or other charges is to permit the gas transmitter, gas distributor or storage company to recover from its customers on a unit basis of gas sold the cost of providing and carrying the amount paid for a purpose mentioned in clause *ba* of subsection 3; or

s. 36 (1),
amended

2. Subsection 1 of section 36 of the said Act is amended by adding thereto the following clause:

(*ga*) providing for the inclusion of reasonable allowances in rate bases under clause *ba* of subsection 3 of section 19 in respect of amounts paid by way of investment in other corporations or bodies or in any manner whatsoever,

(i) directly or indirectly,

A. to acquire or obtain the right to acquire,

B. to manufacture or obtain the right to manufacture, or

C. to transport or obtain the right to transport,

gas for use in Ontario, or

(ii) for a direct or indirect interest in,

A. the planning,

SECTION 2. Subsection 1 of section 36 of the Act provides for the making of regulations by the Lieutenant Governor in Council. The amendment provides for the making of regulations complementary to clause *ba* of subsection 3 of section 19 of the Act, enacted by subsection 1 of section 1 of this Bill.

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- B. the development,
- C. the construction,
- D. the operation, or
- E. the ownership,

of a project, an undertaking or a business that is intended to acquire, manufacture or transport gas for use in Ontario.

3. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}
4. This Act may be cited as *The Ontario Energy Board Amendment Act, 1976*. ^{Short title}

An Act to amend
The Ontario Energy Board Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

THE HON. D. TIMBRELL
Minister of Energy

(*Government Bill*)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for Warranties in the
Sale of Consumer Products**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

The Bill implements recommendations of the Ontario Law Reform Commission in its Report on Consumer Warranties and Guarantees in the Sale of Goods.

The reforms provided for by the Bill include:

- (1) A statement of implied warranties that apply to every consumer sale and product, with no ability to contract out.
- (2) The extension of responsibility for breach of warranties to the manufacturer notwithstanding there is no privity of contract.
- (3) Certain warranties accompany the goods regardless of resale.

An Act to provide for Warranties in the Sale of Consumer Products

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "consumer" means a natural person who is the owner or has the right to possess and use a consumer product, but does not include a natural person, partnership or association of individuals acting in the course of carrying on business;
- (b) "consumer product" means a chattel personal including a chattel that becomes a fixture but not including a food, drink, medicine, cosmetic, clothing or a chose in action;
- (c) "express warranty" means an affirmation of fact or promise relating to the quality, condition, quantity, performance or efficacy of a consumer product or relating to its use and maintenance where the tendency of such affirmation is to induce the buyer to purchase the consumer product;
- (d) "implied warranty" means a warranty provided for by this Act to be an implied warranty;
- (e) "manufacturer", when used in relation to a consumer product, means,
 - (i) a person who manufactures or assembles the consumer product,
 - (ii) a person who describes or holds himself out to the public as the manufacturer of the consumer product,

(iii) a person under whose brand name the consumer product is offered for sale,

(iv) where the consumer product is imported into Canada and there is no manufacturer as defined in subclause i, ii or iii in Canada, the person who imported the consumer product,

and more than one person may be manufacturers of the same consumer product;

(f) "retail buyer" means a consumer who buys a consumer product from a retail seller;

(g) "retail seller" means a seller who engages in the business of selling consumer products to consumers;

(h) "sale" means the transfer of the right to possess and use a consumer product and includes the transfer of possession or right to possession under an agreement to sell or conditional sale agreement or under a lease with an option to purchase or a lease for more than one year and "sell" and other forms of the verb have a corresponding meaning;

(i) "seller" means a person who sells a consumer product to a consumer and includes a retail seller;

(j) "warranty" means an express or implied warranty.

Application
of Act

(2) This Act does not apply in respect of a consumer product purchased by the consumer thereof for a consideration that is less than \$25.

Application
of ss. 12-16
and ss. 51-53
of R.S.O. 1970,
c. 421

(3) Sections 12 to 16 and sections 51, 52 and 53 of *The Sale of Goods Act* do not apply in respect of the sale of consumer products.

Warranty
as to
title

2. There is an implied warranty by the seller of a consumer product to the consumer to whom the consumer product is sold,

(a) that the seller has a right to sell the consumer product;

(b) that the consumer will have and enjoy quiet possession of the consumer product; and

(c) that the consumer product is free from any charge

or encumbrance not declared or known to the consumer before or at the time the sale is made.

3.—(1) Where there is a sale of a consumer product to a retail buyer by description formulated by the retail buyer, there is an implied warranty by the retail seller that the consumer product conforms to the description. Warranty
as to
conformance
to buyer's
description

(2) Where there is a sale of a consumer product to a retail buyer, Warranty
as to
conformance
to seller's
description

(a) by sample;

(b) by description formulated by the retail seller; or

(c) by description made by a person other than the retail seller,

there is an implied warranty,

(d) by the retail seller in a case to which clause *a* or *b* applies; or

(e) by the manufacturer and retail seller jointly in a case to which clause *c* applies,

to the retail buyer that the consumer product corresponds to the description or sample.

(3) For the purposes of subsection 2, the description of a consumer product includes description by advertisement or by label or associated with the product orally or in writing. Modes of
description

(4) For the purposes of subsection 2, where a sale is by sample as well as description, it is not sufficient that the consumer product corresponds with the sample if the consumer product does not also correspond with the description. Sample
and
description

4. There is an implied warranty by the manufacturer and retail seller jointly to the consumer of a consumer product that, Warranty
of
acceptability

(a) the consumer product and its components will perform for a reasonable length of time, having regard to the price and all surrounding circumstances;

(b) the consumer product is in such an actual state that a buyer fully acquainted with the facts and therefore knowing what hidden defects exist would

buy it for all purposes for which the consumer product is normally used without abatement of the price obtainable for such consumer product if in a reasonably sound state or without special terms unless,

- (i) the retail seller or manufacturer has disclosed to the retail buyer defects in the consumer product or that the consumer products are not suitable for all purposes for which they are normally used, or
- (ii) the defect should have been apparent to the consumer where he has examined the consumer product prior to purchase, or
- (iii) it is common knowledge among consumers that the particular consumer products are not suitable for all such purposes.

Warranty as
to spare
parts and
repairs

5. There is an implied warranty by the manufacturer and retail seller jointly to the consumer of a consumer product that spare parts and reasonable repair facilities will be available for a reasonable period of time.

Warranty as
to fitness
for purpose

6.—(1) There is an implied warranty by the retail seller to the retail buyer of a consumer product that the consumer product is reasonably fit for the particular purpose for which it is required, unless the circumstances are such as to show that the retail buyer did not rely, or that it was unreasonable for the retail buyer to rely, on the retail seller's skill and judgment.

Idem

(2) For the purposes of this section, a particular purpose for which the consumer product is required includes not only an unusual or special purpose but also a normal or usual purpose.

Express
warranties

7.—(1) An express warranty made by a retail seller in connection with the sale of a consumer product to a retail buyer,

- (a) if made in writing or published or broadcast, is an express warranty by the retail seller to the consumer of the consumer product;
- (b) if not made in writing or published or broadcast, is an express warranty by the retail seller to the retail buyer of the consumer product.

(2) An express warranty made in writing or published or broadcast by a person other than a retail seller in connection with the sale of a consumer product to a retail buyer is a warranty by the retail seller and the manufacturer, jointly, to the consumer of the consumer product. Idem

(3) An express warranty does not negative an implied warranty. Idem

(4) For the purposes of this section, "made in writing or published or broadcast" means, "Made in writing or published or broadcast"

- (a) made in writing and accompanying the product, whether on the package or separately, or handed to the buyer in the process of completing the sale;
- (b) made in writing and distributed or displayed to the general public, whether by advertisement, sign, display or other means;
- (c) made by television or radio broadcast to the general public,

and the person who causes the affirmation to be printed, distributed, displayed, published or broadcast shall be deemed to be the person who makes the affirmation.

8.—(1) Any term or acknowledgment whether written or otherwise and whether part of the agreement of sale or not, that purports to negative, exclude, restrict or diminish any warranty under this Act or the availability or scope of any remedy otherwise available for the breach thereof is void and of no effect and, if a term of a contract, is severable therefrom, and such term or acknowledgment shall not be evidence of circumstances showing an intent that any of such warranties are not to apply. Agreement waiving rights

(2) No person shall include in a written agreement anything that purports to be a term or acknowledgment that is void and of no effect under subsection 1. Inclusion of prohibited terms in contract

(3) Any act or representation by an employee or agent of a retail seller or manufacturer having apparent authority, shall be deemed to be an act or representation of the retail seller or manufacturer. Acts of employees

9.—(1) Where a warranty is given by this Act to a consumer, the person by whom the warranty is given owes a duty to the consumer to perform the warranty and is liable to the consumer in damages for any breach thereof or, where the warranty is given in connection with a contract of sale between them, to rescission of the contract, or both. Liability for breach of warranty

Evidence	(2) In the trial of an issue under subsection 1, oral evidence respecting the facts necessary to establish an implied or express warranty is admissible notwithstanding that there is a written agreement and notwithstanding that the evidence pertains to a representation or undertaking that is or is not provided for in the agreement.
Measure of damages	(3) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting in the ordinary course of events from the breach of warranty.
Limitation of actions	(4) No action shall be brought under subsection 1 after the expiration of two years from the time the breach of warranty is first alleged.
Indemnity or contribution between persons jointly liable	10. —(1) Where by this Act the retail seller and manufacturer give a warranty jointly, the retail seller and all manufacturers of the consumer product are jointly and severally liable under section 9 but as between themselves, in the absence of any contract, express or implied, each is liable to make contribution and indemnify each other in the degree in which they are respectively found to be responsible for the creation of the circumstances leading to the creation of the warranty and its breach.
Settlement	(2) Where a claim for damages under section 9 is settled, for the purposes of an action for contribution or indemnity in respect of the amount paid under the settlement, the person settling shall satisfy the court that the amount of the settlement was reasonable, and in the event that the court finds the amount of the settlement was excessive it may fix the amount at which the claim should have been settled.
Agreements disclaiming or restricting indemnity	(3) Where the right of contribution or indemnity under this section is disclaimed or restricted by the terms of an agreement and it appears to the court that the disclaimer or restriction is unreasonable or unfair for the reason that the person against whom the disclaimer or restriction is imposed has no means to avoid liability or for any other reason, the court may declare the term void and of no effect, and the term shall be deemed to be severable from the agreement for the purpose.
Regulations	11. The Lieutenant Governor in Council may make regulations, (a) governing the form, content and use of written express warranties that accompany the product; (b) exempting any class of consumer products from this Act and the regulations or any provision thereof.

12.—(1) Every person who, knowingly,

Penalty

(a) contravenes subsection 2 of section 8; or

(b) gives an express warranty that is in contravention of a regulation made under clause *a* of section 11,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

(2) No proceeding under this section shall be commenced more than two years after the time when the subject-matter of the proceeding arose. ^{Limitation}

13. This Act does not apply to a consumer product unless its first retail sale as new occurred after this Act comes into force. ^{Application of Act}

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commencement}

15. This Act may be cited as *The Consumer Products Warranties Act, 1976*. ^{Short title}

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

2. The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

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12. The twelfth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

BILL 110

An Act to provide for
Warranties in the Sale of
Consumer Products

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTE

The Act does not presently refer to petitions or statements of desire. This Bill prohibits the Board's practice of considering petitions and statements of desire and thereby eliminates delays and reduces union certification costs.

BILL 111

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 5a,
enacted

5a. The Board shall not consider petitions or statements of desire filed by employees against an application for certification under section 5. Petitions
or state-
ments of
desire

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

BILL III

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill prohibits the use of professional strike breakers.

BILL 112

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Labour Relations Act*, s. 1 (1),
being chapter 232 of the Revised Statutes of Ontario, 1970,
as amended by the Statutes of Ontario, 1975, chapter 76,
section 1, is further amended by adding thereto the following
clause:

(la) "professional strike breaker" means a person who
is not a party involved in a dispute whose primary
object, in the opinion of the Board, is to prevent,
interfere with or break up a lawful strike.
2. Section 58 of the said Act is amended by adding thereto s. 58,
the following clause:

(d) shall use, or authorize or permit the use of, a
professional strike breaker or an organization of
professional strike breakers.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Clause i of subsection 1 of section 1 of the Act at present reads as follows:

- (i) *"lock-out" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees.*

This Bill treats a lock-out in the same objective manner as a strike in relation to the test for determining whether or not a lock-out has occurred.

BILL 113

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(i) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTE

Clause *gb* of subsection 1 of section 1 of the Act at present reads as follows:

(gb) "employee" includes a dependent contractor.

This Bill limits the scope and extent of supervisory exclusion under the Act.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *gb* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 76, section 1, is repealed and the following substituted therefor: s. 1 (1) (*gb*),
re-enacted

(*gb*) "employee" means a person employed to do work and includes a dependent contractor, but does not include a person who is employed in a capacity that, in the opinion of the Board, would make it unfair to that person, the employer or a union to include the person in a unit for collective bargaining purposes because,

- (i) the person performs management functions primarily, or
- (ii) the person is employed in a confidential capacity in matters relating to labour relations.

- (2) Clause *b* of subsection 3 of the said section 1 is repealed. s. 1 (3) (*b*),
repealed

2. The said Act is amended by adding thereto the following s. 3a,
enacted section:

3a. For the purposes of this Act, an employee is not exercising management functions or employed in a confidential capacity in matters relating to labour relations by reason of his duties and functions as an employee including the supervision of other employees of the same employer. Employees
deemed
not to cease
being
employees

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTES

Subsection 5a of section 37 of the Act at present reads as follows:

- (5a) *Except where a collective agreement states that this subsection does not apply, an arbitrator or arbitration board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of such time, where the arbitrator or arbitration board is satisfied that there are reasonable grounds for the extension and that the opposite party will not be substantially prejudiced by the extension.*

Section 1 of this Bill extends the provision of this section to all collective agreements.

Section 2 of this Bill extends the protection of the Board's decisions with respect to technical defects to the processing of grievances through to arbitration.

BILL 115

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5a of section 37 of *The Labour Relations Act*, <sup>s. 37 (5a),
amended</sup> being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 76, section 10, is amended by striking out "Except where a collective agreement states that this subsection does not apply" in the first and second lines.
2. Section 103 of the said Act is repealed and the following <sup>s. 103,
re-enacted</sup> substituted therefor:

103. No proceedings under this Act or grievances under collective agreements are invalid by reason of any defect of form or any technical irregularity and no such proceeding or grievance shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred.
3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Labour Relations Amendment Act, 1976*. ^{Short title}

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTE

This Bill provides finality to the grievance arbitration procedure.

BILL 116

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 76, section 10, is further amended by adding thereto the following subsection:
 - (9a) (a) every order or decision of an arbitrator or of an arbitration board appointed pursuant to a collective agreement or this Act is final and shall not be questioned or reviewed by any court; Decisions
not to be
reviewed
by court
 - (b) no order shall be made, process entered or proceeding taken in any court, whether by way of injunction, *certiorari*, prohibition, *quo warranto* or otherwise, to question, review, prohibit or restrain an arbitrator or arbitration board in any of his or its proceedings under this Part.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill restricts the availability of cease and desist relief under the Act in cases of organizational picketing which is carried on on a peaceful basis and imposes a duty on the Board to ensure, prior to its using cease and desist relief, that police assistance has been unsuccessful in controlling the problem.

BILL 117

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 82 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 76, section 22, is amended by adding thereto the following subsection:

(2) In every direction to a person to do or refrain from doing an act in connection with an unlawful strike, the Board must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful. Idem

2. Section 123 of the said Act is amended by adding thereto the following subsection: s. 123, amended

(1a) In every direction to a person to do or refrain from doing an act in connection with an unlawful strike, the Board must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful. Idem

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTE

This Bill enables the Board to arbitrate a first collective agreement and thereby eliminates the irreconcilable differences from the bargaining process of a first collective agreement.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

12a.—(1) Where a trade union certified as bargaining agent and an employer have been engaged in collective bargaining with a view to concluding their first collective agreement and have failed to conclude an agreement, the Minister may, at the request of either party and after such investigation as he considers necessary or advisable, direct the Board to inquire into the dispute and, if the Board considers it advisable, to settle the terms and conditions for the first collective agreement.

(2) The Board shall proceed as directed by the Minister and, if the Board settles the terms and conditions, those terms and conditions shall be deemed to constitute the collective agreement between the trade union and the employer and binding on them and the employees, except to the extent to which they agree in writing to vary any or all of those terms and conditions.

12b. In settling the terms and conditions for a first collective agreement under section 12a, the Board shall give the parties an opportunity to present evidence and make representation and may take into account, among other things,

- (a) the extent to which the parties have, or have not, bargained in good faith, in an effort to conclude a first collective agreement; and
- (b) the terms and conditions of employment, if any, negotiated through collective bargaining for compar-

able employees performing the same or similar functions in the same or related circumstances.

One-year
term

12c. In no event shall the collective agreement settled by the Board under section 12a be for a period exceeding one year from the date the Board settles the terms and conditions for a first collective agreement under that section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Labour Relations Amendment Act, 1976*.







An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. BULLBROOK

EXPLANATORY NOTE

This Bill adds to the Act a provision dealing with the rights and privileges of trade unions and employees in the event of an employer's implementation of significant technological change. An employer who is bound by a collective agreement and who proposed to effect a technological change that is likely to affect the terms and conditions or security of employment of a significant number of his employees must give notice of the technological change to the union at least ninety (90) days prior to the date on which the change is to be effected. An employer who fails to give such notice may be forced into compliance by the Board. When the union receives notice of such technological change, it may apply to the Board for an order granting leave to serve on the employer a notice to commence collective bargaining for the purpose of revising the existing provisions of the collective agreement that relate to terms and conditions or security of employment or including new provisions in the agreement relating to such matters to assist the employees affected by the technological change to adjust to the effects of it. Similarly, upon such application having been made by the union, the employer is not able to effect the technological change until the Board's disposition of the application. This reopens the collective bargaining for purposes of negotiating the impact of technological change and where necessary, enables the parties to resort to economic sanctions.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

125.—(1) In this section and sections 126 to 129, “technological change” means,

ss. 125-129,
enacted

Techno-
logical
change

(a) the introduction by an employer into his work, undertaking or business of equipment or material of a different nature or kind than that previously utilized by him in the operation of the work, undertaking or business; and

(b) a change in the manner in which the employer carries on the work, undertaking or business that is directly related to the introduction of that equipment or material.

(2) Sections 126, 128 and 129 do not apply, in respect of a technological change, to an employer and a bargaining agent who are bound by a collective agreement where,

Application
of ss. 126,
128 and 129

(a) the employer has given to the bargaining agent a notice in writing of the technological change that is substantially in accordance with subsection 2 of section 129,

(i) prior to the day on which the employer and the bargaining agent entered into the collective agreement, if the notice requiring the parties to commence collective bargaining for the purpose of entering into that collective agreement was given, or

(ii) not later than the last day on which notice requiring the parties to commence collective bargaining for the purpose of entering into the collective agreement could have been given;

(b) the collective agreement contains provisions that specify procedures by which any matters that relate to terms and conditions or security of employment likely to be affected by a technological change may be negotiated and finally settled during the term of the agreement; or

(c) the collective agreement contains provisions that,

(i) are intended to assist employees affected by any technological change to adjust to the effects of the technological change, and

(ii) specify that sections 126, 128 and 129 do not apply, during the term of the collective agreement, to the employer and the bargaining agent.

Idem

(3) Sections 126, 128 and 129 apply only in respect of collective agreements that are entered into after the coming into force of those sections.

Notice of
technological
change

126.—(1) An employer who is bound by a collective agreement and who proposes to effect a technological change that is likely to affect the terms and conditions or security of employment of a significant number of his employees to whom the collective agreement applies shall give notice of the technological change to the bargaining agent bound by the collective agreement at least ninety days prior to the date on which the technological change is to be effected.

Contents
of
notice

(2) The notice referred to in subsection 1 shall be in writing and shall state,

(a) the nature of the technological change;

(b) the date upon which the employer proposes to effect the technological change;

(c) the approximate number and type of employees likely to be affected by the technological change;

- (d) the effect that the technological change is likely to have on the terms and conditions or security of employment of the employees affected; and
- (e) such other information as is required by the Board pursuant to subsection 3.

(3) The Board may,

Specification
by Board

- (a) specify the number of employees or the method of determining the number of employees that shall, in respect of any work, undertaking or business or any type of work, undertaking or business, be deemed to be "significant" for the purposes of this Act; and
- (b) require any information in addition to the information required by subsection 2 to be included in a notice of technological change.

127.—(1) Where a bargaining agent alleges that,

Application
for order
respecting
technological
change

- (a) sections 126, 128 and 129 apply to an employer in respect of an alleged technological change; and
- (b) the employer has failed to comply with section 126,

the bargaining agent may, not later than thirty days after the bargaining agent became aware, or in the opinion of the Board ought to have become aware, of the failure of the employer to comply with section 126, apply to the Board for an order determining the matters so alleged.

(2) Upon receipt of an application for an order determining the matters alleged under subsection 1 and after affording an opportunity for the parties to be heard, the Board may, by order,

Order
respecting
technological
change

- (a) determine that sections 126, 128 and 129 do not apply to the employer in respect of the alleged technological change; or
- (b) determine that sections 126, 128 and 129 apply to the employer in respect of the alleged technological change and that the employer has failed to comply with section 126 in respect of the technological change.

Idem

(3) The Board may, in any order made under clause *b* of subsection 2, or by order made after consultation with the parties pending the making of any order under subsection 2,

- (a) direct the employer not to proceed with the technological change or alleged technological change for such period, not in excess of ninety days, as the Board considers appropriate;
- (b) require the reinstatement of any employee displaced by the employer as a result of the technological change; and
- (c) where an employee is reinstated pursuant to clause *b*, require the employer to reimburse the employee for any loss of pay suffered by the employee as a result of his displacement.

Order deemed
to be
notice

(4) An order of the Board made under clause *b* of subsection 2 in respect of an employer is deemed to be a notice of technological change given by the employer pursuant to section 126.

Application
for order
to serve
notice to
bargain

128.—(1) Where a bargaining agent receives notice of a technological change given by or in respect of an employer pursuant to section 126, the bargaining agent may, within thirty days from the date on which it receives the notice, apply to the Board for an order granting leave to serve on the employer a notice to commence collective bargaining for the purpose of revising the existing provisions of the collective agreement by which they are bound that relate to terms and conditions or security of employment, or including new provisions in the collective agreement relating to such matters, to assist the employees affected by the technological change to adjust to the effects of the technological change.

Order to serve
notice to
bargain

(2) Where the Board,

- (a) has received from a bargaining agent an application under subsection 1 for an order granting leave to serve on an employer a notice to commence collective bargaining; and
- (b) is satisfied that the technological change in respect of which the bargaining agent has received notice given pursuant to section 126 is likely, substantially and adversely, to affect the terms and conditions or security of employment of a signifi-

cant number of employees to whom the collective agreement between the bargaining agent and the employer applies,

the Board may, by order, grant leave to the bargaining agent to serve on the employer a notice to commence collective bargaining for the purpose referred to in subsection 1.

129. Where a bargaining agent applies to the Board under subsection 1 of section 128, the employer in respect of whom the application is made shall not effect the technological change in respect of which the application is made until,

Conditions
precedent to
technological
change

- (a) the Board has made an order refusing to grant leave to the bargaining agent to serve on the employer a notice to commence collective bargaining; or
- (b) the Board has made an order granting leave to the bargaining agent to serve on the employer a notice to commence collective bargaining and an agreement has been reached as a result of collective bargaining.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Labour Relations Amendment Act, 1976*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

June 15th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Retail Business Holidays Act, 1975 (2nd Session)**

MR. SHORE

EXPLANATORY NOTE

The purpose of the Bill is to exempt businesses selling swimming pools and swimming pool equipment and accessories from the operation of the Act from the 1st day of April to the 30th day of November in the same year.

BILL 120

1976

**An Act to amend
The Retail Business Holidays
Act, 1975 (2nd Session)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Retail Business Holidays Act, 1975 (2nd Session)*, being chapter 9, is amended by <sup>s. 3 (3),
amended</sup> adding thereto the following clause:

(d) swimming pools and equipment and accessories related thereto in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Retail Business Holidays Amendment Act, 1976*. ^{Short title}

An Act to amend
The Retail Business Holidays
Act, 1975 (2nd Session)

1st Reading

June 16th, 1976

2nd Reading

3rd Reading

MR. SHORE

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to control
Professional Fund-raising Corporations**

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The Bill provides for the licensing of professional fund-raising corporations.

BILL 121

1976

An Act to control Professional Fund-raising Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Commissioner of professional fund-raising corporations;
- (b) "Director" means the Director of the Consumer Protection Division of the Ministry;
- (c) "Minister" means the Minister of Consumer and Commercial Relations;
- (d) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (e) "professional fund-raising corporation" means a corporation that has as its objects, the raising of money for non-profit organizations in return for remuneration of any kind and includes a sole proprietorship or partnership which raises money for non-profit organizations in return for remuneration of any kind;
- (f) "regulations" means the regulations made under this Act;
- (g) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*. R.S.O. 1970,
c. 113

COMMISSIONER

2.—(1) There shall be a Commissioner of professional fund-raising corporations who shall be appointed by the Lieutenant Governor in Council. Commis-
sioner

Powers
and duties
of Com-
missioner

(2) The Commissioner may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Director.

LICENSING

Licensing

3.—(1) No person shall engage in business as a professional fund-raising corporation unless he is licensed as a professional fund-raising corporation.

Change in
partnership

(2) Where a partnership is licensed under subsection 1, any change in the membership of the partnership shall be deemed to create a new partnership for the purpose of licensing.

Licensing,
exception

4.—(1) An applicant is entitled to a licence or renewal of a licence by the Commissioner except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations.

Conditions of
a licence

(2) A licence is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Refusal
to grant
a licence

5.—(1) Subject to section 9, the Commissioner may refuse to grant a licence to an applicant where in the Commissioner's opinion the applicant is disentitled to a licence under section 4.

(2) Subject to section 6, the Commissioner may refuse to ^{Revocation} renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under section 4 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

6.—(1) Where the Commissioner proposes to refuse to ^{Notice of proposal to refuse or revoke} grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant ^{Notice requiring hearing} or licensee that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Commissioner and the Tribunal, and he may so require such a hearing.

(3) Where an applicant or licensee does not require a hearing ^{Powers of Commissioner where no hearing} by the Tribunal in accordance with subsection 2, the Commissioner may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or licensee requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall ^{Powers of Tribunal where hearing} appoint a time for and hold the hearing and, on the application of the Commissioner at the hearing, may by order direct the Commissioner to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Commissioner ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Commissioner.

(5) The Tribunal may attach such terms and conditions ^{Conditions of order} to its order or to the licence as it considers proper to give effect to the purposes of this Act.

(6) The Commissioner, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Commissioner may ^{Voluntary cancellation} cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

(8) Where, within the time prescribed therefor or, if no ^{Continuation of licence pending renewal} time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Commissioner proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of
Tribunal
effective, stay
R.S.O. 1970,
c. 113

(9) Notwithstanding that a licensee appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Further
applications

7. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Investiga-
tion of
complaints

8.—(1) Where the Commissioner receives a complaint in respect of a professional fund-raising corporation and so requests in writing, the professional fund-raising corporation shall furnish the Commissioner with such information respecting the matter complained of as the Commissioner requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Commissioner or any person designated in writing by him may at any reasonable time enter upon the business premises of the licensee to make an inspection in relation to the complaint.

Inspection

9.—(1) The Commissioner or any person designated by him in writing may at any reasonable time enter upon the business premises of the licensee to make an inspection to ensure that the provisions of this Act and the regulations relating to a licence are being complied with.

Idem

(2) Where the Commissioner has reasonable and probable grounds to believe that any person is acting as a professional fund-raising corporation while not licensed, the Commissioner or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on
inspection

10.—(1) Upon an inspection under section 8 or 9, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. Admissibility of copies

11. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister 1971, c. 49

12.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, Investigation by Director

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for licensing under this Act, R.S.C. 1970, c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the Commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books,

papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Admissibility of copies}

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. ^{Appointment of experts}

13.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 8, 9, 10, 11 or 12, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, ^{Matters confidential}

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. ^{Testimony in civil suit}

14. Where, upon the report of an investigation made under subsection 1 of section 13, it appears to the Director that a person may have, ^{Report}

- (a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for licensing under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript or evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to
refrain from
dealing with
assets

15.—(1) Where,

- (a) an investigation of any person has been ordered under section 13; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
cc. 228, 89, 53
R.S.C. 1970,
cc. B-4, W-11

Bond in
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970,
c. 196

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under sub-section 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

REGULATION OF PROFESSIONAL FUND-RAISING CORPORATIONS

16.—(1) Every professional fund-raising corporation shall keep a record sheet in the prescribed form and proper books and accounts with respect to his business as a professional fund-raising corporation.

Application for direction
Books, etc., to be kept

(2) In addition to those records prescribed under subsection 1, every professional fund-raising corporation shall file with the Minister for each fund-raising event undertaken by the corporation a financial statement in the prescribed form showing the amount collected, the expenses of the campaign and the amount turned over to the non-profit organization for which the campaign was conducted.

Idem

17.—(1) Every professional fund-raising corporation shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys that come into its hands in trust for other persons in connection with its business, and it shall at all times keep such moneys separate and apart from moneys belonging to itself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust.

Bank account

(2) Where a professional fund-raising corporation holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the professional fund-raising corporation shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

Unclaimed trust moneys

18. Every professional fund-raising corporation shall be bonded in the form and manner as is prescribed in the regulations.

Bonding

19. No professional fund-raising corporation shall charge an amount towards overhead in relation to direct expenses greater than that amount prescribed in the regulations.

Overhead

Service **20.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

Where service deemed to be made (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining orders **21.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences **22.**—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted ^{Consent of Minister} except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall ^{Idem} be commenced more than two years after the time when the subject-matter of the proceeding arose.

23. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) requiring and governing the books, accounts and records that shall be kept by licensed professional fund-raising corporations;
- (b) prescribing the form of financial statements to be filed under subsection 2 of section 16;
- (c) governing applications for a licence or renewal of a licence and prescribing terms and conditions of licences;
- (d) prescribing the fees payable upon applications for licences and renewal of licences and any other fees in connection with the administration of this Act and the regulations;
- (e) prescribing the practice and procedure upon investigations under sections 8 and 10;
- (f) prescribing forms and providing for their use;
- (g) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (h) prescribing the form and manner in which a professional fund-raising corporation shall be bonded;
- (i) prescribing the amount which may be charged towards overhead in relation to direct expenses.

24. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

25. This Act may be cited as *The Professional Fund-raising* ^{Short title} *Corporations Control Act, 1976.*

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An Act to control
Professional Fund-raising Corporations

1st Reading

June 16th, 1976

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting The Lake Superior Board of Education

THE HON. T. L. WELLS
Minister of Education

EXPLANATORY NOTE

Subsection 3 of section 167 of *The Education Act, 1974* authorizes a school board to sell a property, "upon the adoption of a resolution that such . . . property is not required for the purposes of the board". Subsection 4 of that section requires a board that wishes to sell a building to obtain the consent of the Minister of Education unless the sale is to another school board.

The Lake Superior Board of Education owns residential properties that are used by its teachers and caretakers on a rental basis. Some employees wish to purchase such properties and the board is prepared to sell the properties under agreements that would permit the Board to repurchase them where the employees cease employment with the Board and the Board requires accommodation for the use of other teachers or caretakers. This is a common type of arrangement in industry in the northern communities served by this Board.

The legislation removes the requirements referred to above and permits the Board to pass a resolution to sell residential properties to its employees under terms and conditions agreed upon between the parties.

BILL 122

1976

An Act respecting The Lake Superior Board of Education

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lake Superior Board of Education, hereinafter referred to as "the Board", may, notwithstanding subsections 3 and 4 of section 167 of *The Education Act, 1974*, sell any teacher's or caretaker's residence and land appurtenant thereto that it now owns to an employee of the Board under such terms and conditions as may be agreed upon between the Board and the employee.

Board's
authority
to sell
residences
and
appurtenant
lands to
Board
employees
1974, c. 109

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Lake Superior Board of Education Act, 1976*.

Short title

BILL 122

An Act respecting The Lake
Superior Board of Education

1st Reading

June 17th, 1976

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

BILL 122

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting The Lake Superior Board of Education

THE HON. T. L. WELLS
Minister of Education

TORONTO

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BILL 122

1976

An Act respecting The Lake Superior Board of Education

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Board's
authority
to sell
residences
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employees
1974, c. 109

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Short title

An Act respecting The Lake
Superior Board of Education

1st Reading

June 17th, 1976

2nd Reading

June 21st, 1976

3rd Reading

June 21st, 1976

THE HON. T. L. WELLS
Minister of Education

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Legislative Assembly Act

THE HON. R. WELCH
Minister of Culture and Recreation

EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. Subsections 5 and 6 of section 65 at present read as follows:

- (5) *The members of the Assembly representing the electoral districts of Cochrane North, Kenora, Rainy River and Thunder Bay shall each be paid the actual cost of transportation by airplane within such electoral districts not exceeding \$2,500 to each of them in any year.*
- (6) *There shall be paid to each member of the Assembly the actual cost of the member's round trip economy flight by scheduled airline while travelling on business as a member of the Assembly on not more than six such round trips within Ontario in any year from the member's residence or the seat of government at Toronto.*

Subsection 5 is revised to include within the maximum of \$2,500 the actual cost of accommodation required by members representing the four named electoral districts while travelling on business as a member of the Assembly within such electoral districts and to provide for the payment of such of the accommodation costs of other members expended by them under special circumstances within their electoral districts as may be approved by the Board of Internal Economy up to a maximum of \$2,500 for each member.

Subsection 6 is revised to expand the provision to include travel by bus, train and private or rented automobile and to limit the costs recoverable under this subsection to a maximum of \$800 in any year.

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 65 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is repealed and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,500 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,500 in any year.

s. 65 (5),
re-enacted

air travel
and
accom-
modation
costs
within
certain
electoral
districts
or under
special
circum-
stances

- (2) Subsection 6 of the said section 65 is repealed and the following substituted therefor:

s. 65 (6),
re-enacted

(6) There shall be paid to each member of the Assembly for not more than six round trips by bus, train or economy flight by scheduled airline or by private or rented automobile, or any combination thereof, while travelling within Ontario in any year on business as a member of the Assembly from the member's residence or the seat of government at Toronto the lesser of,

round trips
within
Ontario
from
residence
or seat of
government

- (a) the total cost incurred by the member for not more than six such round trips; or
- (b) \$800,

and the cost of transportation,

(c) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(d) by rented automobile shall be the cost of the rental including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and

(e) by private automobile shall be an allowance of 15 cents for every mile of such transportation.

s. 65 (7),
amended

(3) Subsection 7 of the said section 65 is amended by striking out "\$3,000" in the fourteenth line and inserting in lieu thereof "\$3,900".

s. 69 (a),
re-enacted
s. 69 (b),
repealed

2. Clauses *a* and *b* of section 69 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, are repealed and the following substituted therefor:

(a) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sums of money as are appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1976.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1976*.

Subsection 3. Subsection 7 is amended to increase from \$3,000 to \$3,900 the maximum amount that may be paid to any member, other than a minister, the Speaker, a leader of a party or a member representing an electoral district in Metropolitan Toronto, for accommodation while attending as a member at the seat of government at Toronto.

SECTION 2. Clauses *a* and *b* of section 69, which now provide for funds for research for the use of the caucus of the Official Opposition and the caucus of the Third Party, are revised to also provide for funds for research for the use of the Government caucus.



BILL 123

An Act to amend
The Legislative Assembly Act

1st Reading

June 17th, 1976

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Culture and Recreation

(Government Bill)

BILL 123

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Legislative Assembly Act

THE HON. R. WELCH
Minister of Culture and Recreation

THE UNIVERSITY OF CHICAGO

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An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 65 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is repealed and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,500 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,500 in any year.

- (2) Subsection 6 of the said section 65 is repealed and the following substituted therefor:

(6) There shall be paid to each member of the Assembly for not more than six round trips by bus, train or economy flight by scheduled airline or by private or rented automobile, or any combination thereof, while travelling within Ontario in any year on business as a member of the Assembly from the member's residence or the seat of government at Toronto the lesser of,

- (a) the total cost incurred by the member for not more than six such round trips; or
- (b) \$800,

and the cost of transportation,

(c) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(d) by rented automobile shall be the cost of the rental including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and

(e) by private automobile shall be an allowance of 15 cents for every mile of such transportation.

s. 65 (7),
amended

(3) Subsection 7 of the said section 65 is amended by striking out "\$3,000" in the fourteenth line and inserting in lieu thereof "\$3,900".

s. 69 (a),
re-enacted
s. 69 (b),
repealed

2. Clauses *a* and *b* of section 69 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, are repealed and the following substituted therefor:

(a) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sums of money as are appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1976.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1976*.

An Act to amend
The Legislative Assembly Act

1st Reading

June 17th, 1976

2nd Reading

June 21st, 1976

3rd Reading

June 21st, 1976

THE HON. R. WELCH
Minister of Culture and Recreation

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Public Officers Act

MR. MARTEL

EXPLANATORY NOTE

The purpose of the amendment is to allow a person who has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada to be employed in a full-time capacity in any public office.

An Act to amend The Public Officers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Officers Act*, being chapter 382 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,
re-enacted

1. No person shall be employed in any public office in Ontario unless he is a British subject by birth or naturalization or is a person lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada, but nothing in this section prevents the employment of any person for a temporary purpose by the Government of Ontario or by any commission acting for or on behalf of the Crown, when in the opinion of the Government or of such commission such employment is in the public interest. Public
officer
to be
British
subject,
etc.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Public Officers Amendment Act, 1976*. Short title

An Act to amend
The Public Officers Act

1st Reading

June 17th, 1976

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Employment Standards Act, 1974**

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The purpose of the Bill is to establish a regular working week of 40 hours.

BILL 125

1976

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 17 and 18 of *The Employment Standards Act, 1974*, ^{ss. 17, 18, re-enacted} being chapter 112, are repealed and the following substituted therefor:

17. Except as otherwise provided in this Part, and sub-^{Maximum working hours}ject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight ^{R.S.O. 1970, c. 221} in the day and forty in the week.

18. An employer may, with the approval of the Director, ^{Variation of working day} and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty hours in a week.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Employment Standards Amendment Act, 1976*. ^{Short title}

An Act to amend
The Employment Standards Act, 1974

1st Reading

June 17th, 1976

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the Regulation of
Smoking in Public Places**

MR. CASSIDY

EXPLANATORY NOTE

The purpose of the Bill is to eliminate smoking in public places except in those areas specifically designated as smoking areas.

BILL 126

1976

An Act to provide for the Regulation of Smoking in Public Places

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "public meeting" means any meeting, hearing or tribunal open to the public;
- (b) "public place" means any enclosed indoor area to which the public has access or serving as a place of work including any public conveyance, but does not include a private enclosed office occupied exclusively by smokers even where the office may be visited by nonsmokers;
- (c) "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

2.—(1) No person shall smoke in a public place or at a public meeting except in an area designated as an area in which smoking is permitted.

Prohibition
against
smoking

(2) No public place shall have any area designated as a smoking area where the area occupies more than 50 per cent of the total area of the public place.

Idem

3. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing an area or class of area to be a public place;
- (b) exempting any area or class of area from the application of this Act and the regulations.

Offence

4. Every person who contravenes any section of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of fifteen days, or to both.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Places Smoking Regulation Act, 1976*.

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An Act to provide
for the Regulation of Smoking
in Public Places

1st Reading

June 18th, 1976

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to ratify the entering into of an Agreement
under the Anti-Inflation Act (Canada)**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill ratifies the agreement entered into by the Treasurer of Ontario and the acting Minister of Finance of Canada in respect of the *Anti-Inflation Act* (Canada).

BILL 127

1976

**An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement of the 13th day of January, 1976 signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and by the acting Minister of Finance of Canada and referring to subsection 3 of section 4 of the *Anti-Inflation Act* (Canada) is ratified on behalf of the Government of Ontario, and the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall be deemed to have been authorized by the Government of Ontario to enter into the agreement and the agreement is and shall be deemed to have been effective in accordance with its terms.

Agreement
under
1974-75-76,
c. 75 (Can.)

2. All acts done and orders, rules and decisions made on or after the 14th day of October, 1975 and prior to the coming into force of this Act in the application of the *Anti-Inflation Act* (Canada) and the regulations made thereunder in relation to the provincial public sector, as defined in the agreement referred to in section 1, are confirmed with the same effect as if the agreement were valid and effective when signed as referred to in section 1.

Confirmation
of acts done
pursuant to
agreement

3. In the event of any inconsistency between the provisions of this Act or the agreement and the operation of any other law of the Province of Ontario, the provisions of this Act and the agreement prevail to the extent of the inconsistency.

Inconsistent
provincial
law

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Anti-Inflation Agreement Act, 1976*.

Short title

An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)

1st Reading

July 13th, 1976

2nd Reading

3rd Reading

THE HON. R. McMurtry
Attorney General

(Government Bill)

BILL 127

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to ratify the entering into of an Agreement under the Anti-Inflation Act (Canada)

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 127

1976

**An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement of the 13th day of January, 1976 signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and by the acting Minister of Finance of Canada and referring to subsection 3 of section 4 of the *Anti-Inflation Act* (Canada) is ratified on behalf of the Government of Ontario, and the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall be deemed to have been authorized by the Government of Ontario to enter into the agreement and the agreement is and shall be deemed to have been effective in accordance with its terms.

Agreement
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2. All acts done and orders, rules and decisions made on or after the 14th day of October, 1975 and prior to the coming into force of this Act in the application of the *Anti-Inflation Act* (Canada) and the regulations made thereunder in relation to the provincial public sector, as defined in the agreement referred to in section 1, are confirmed with the same effect as if the agreement were valid and effective when signed as referred to in section 1.

Confirmation
of acts done
pursuant to
agreement

3. In the event of any inconsistency between the provisions of this Act or the agreement and the operation of any other law of the Province of Ontario, the provisions of this Act and the agreement prevail to the extent of the inconsistency.

Inconsistent
provincial
law

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Anti-Inflation Agreement Act, 1976*.

Short title

An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)

1st Reading

July 13th, 1976

2nd Reading

July 15th, 1976

3rd Reading

July 15th, 1976

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Special Educational Programs

MR. FOULDS

EXPLANATORY NOTE

This Bill guarantees access to education to all children of compulsory school age who suffer from any kind of learning disability including the blind, deaf, autistic, mentally handicapped and perceptually handicapped.

BILL 128

1976

An Act respecting Special Educational Programs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "board" means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board. Interpre-
tation

2. Every board shall, subject to sections 3 and 4, establish special educational programs to provide special educational services for those children who require such services and have a right to attend a school under the jurisdiction of the board. Board to
establish
special
educational
programs

3. The fact that a child is blind, deaf, autistic, mentally handicapped or suffers from a perceptual handicap or any other learning disability does not release a board from its responsibility under section 2, unless that child's parents consent to the placing of that child in and that child is eligible for admission to a school or class for trainable retarded children, the Ontario School for the Blind, an Ontario School for the Deaf, or any other provincial institution adequate to meet that child's needs. Exception
where
parental
consent and
adequate
alternative
educational
services

4. Where a child receives special educational services under section 3, the board responsible for that child under section 2 shall provide any additional transportation, food and accommodation costs incurred as a result of that child receiving such services. Costs to
be borne
by board

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Special Educational Programs Act, 1976*. Short title

An Act respecting
Special Educational Programs

1st Reading

July 15th, 1976

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide
Political Rights for Public Servants**

MR. CASSIDY

EXPLANATORY NOTE

This Bill is designed to give public servants the same political rights that all other citizens enjoy in Ontario. It covers civil servants, crown employees, employees of community colleges, and people working for agencies such as the Hydro-Electric Power Commission of Ontario, the Workmen's Compensation Board, and the Ontario Northland Transportation Commission, but excludes Deputy Ministers, officers of similar status in Crown agencies, and other senior policy-making officials.

The deleted sections of *The Public Service Act* make it illegal for a public servant to canvass on behalf of a candidate in an election, to solicit funds for a political party or a candidate at any time, or to speak or to write a letter to the editor on "any matter that forms part of the platform of a provincial or federal political party". A public servant may only become a candidate for election after the writs are issued and is effectively barred from being a candidate if a nomination is held before that date. The candidate must take leave of absence without pay for a period of 4 to 5 weeks.

The Bill provides that public servants will be able to write, speak, contribute, solicit funds, work, join, hold office, and vote on behalf of, in, for, or to a political party or candidate in a federal or provincial election and protects public servants from punitive action by their superiors or from being forced to carry out partisan duties as a condition of their employment.

The deleted section of *The Crown Employees Collective Bargaining Act, 1972* contains the sections which are re-enacted in the Bill and also prohibits an employee organization from receiving money from public employees who are its members for activities carried on by, or on behalf of a political party, from paying out money to, or on behalf of, the political party, or from otherwise supporting a political party. The penalty for these activities is loss of bargaining rights. The Bill will give an employee organization the rights enjoyed by other trade unions, prevents it from compelling an employee to engage in political activity, and provides for a wider range of penalties.

BILL 129

1976

An Act to provide Political Rights for Public Servants

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means any board, agency, or commission of the Crown in right of Ontario;
- (b) "public servant" means a person appointed in the service of the Crown by the Lieutenant Governor in Council, by the Civil Service Commission, or by a Minister, or a person employed in the service of the Crown or any agency of the Crown, but does not include any Deputy Minister or senior employee of the Crown or an agency with management or policy responsibilities;
- (c) "Tribunal" means the Ontario Public Service Labour Relations Tribunal as defined in section 1 of *The Crown Employees Collective Bargaining Act*, 1972, c. 67 1972.

2.—(1) Every public servant shall be entitled to exercise the following political rights, Political
rights

- (a) the right to vote;
- (b) the right to actively support a political party or a candidate for provincial or federal office;
- (c) the right to contribute to a political party at any time;
- (d) the right to solicit funds for a candidate or for a political party;

- (e) the right to be a member of a political party and to hold office in such party; and
- (f) the right to express views on matters that form part of the platform of a provincial or federal political party.

Idem

(2) The rights provided in subsection 1 are subject to the condition that,

- (a) the employee does not engage in political activities during working hours;
- (b) the employee does not associate his position in the service of the Crown with any political activity;
- (c) the employee does not speak in public or express views in writing for distribution to the public on any matter with which he is directly engaged in his employment with the Crown;
- (d) the employee respects his oath of office and secrecy, as provided under section 10 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Partisan
work by
public
servants

3. No public servant shall be required by his employer to engage in work or activity of a partisan nature for a candidate or a political party either during or outside working hours and, notwithstanding the provisions of any other Act, refusal to perform such activities shall be a justifiable defence against any dismissal, transfer, or other disciplinary action.

Leave
of
absence

4. A public servant who proposes to become a candidate in a provincial or federal election shall inform his Minister or the chief officer of his agency, and,

- (a) may seek leave of absence without pay at any time after he is duly nominated by his party as its candidate; and
- (b) shall take leave of absence commencing on the day on which the writ for the election is issued or on the day on which he is nominated by his party, whichever date comes later; and
- (c) shall be granted leave with pay commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

5. Where a public servant who is a candidate in a ^{Resignation} provincial or federal election is elected, he shall forthwith resign his position as a public servant.

6. Where a public servant who has resigned under section ^{Reappointment} 5,

(a) ceases to be an elected political representative within five years of his resignation; and

(b) applies for reappointment to his former position or to another position in the service of the Crown for which he is qualified, within three months of ceasing to be an elected political representative,

he shall be reappointed to the position upon its next becoming vacant.

7. Where a public servant has been granted leave of ^{Period of leave of absence} absence under section 4 and was not elected, or resigned his position under section 5 and was reappointed under section 6, the period of the leave of absence or resignation shall be computed in determining the length of his service for any purpose, and his service shall be deemed to be continuous for all purposes.

8. Every public servant who knowingly fails to comply ^{Disciplinary action} with the requirements of this Act may be disciplined under the Act or regulation governing his employer.

9.—(1) In this section, “employee organization” means ^{Interpretation} an organization of employees formed for the purpose of regulating relations between the Crown in right of Ontario and public servants under this Act.

(2) No employee organization shall, ^{Prohibitions}

(a) require as a condition of membership therein the payment by any of its members who are public servants of any money for activities carried on by, or on behalf of, any political party or candidate;

(b) require its members who are public servants otherwise to support or oppose any political party;

(c) discriminate against any employee because of age, sex, race, national origin, colour or religion.

(3) Where a public servant or the Crown in right of ^{Tribunal} Ontario considers that an employee organization is in

violation of section 9, a complaint may be lodged with the Tribunal, which shall conduct a public hearing to consider the matter and which may,

- (a) dismiss the complaint; or
- (b) withdraw bargaining rights from the employee organization involved; or
- (c) levy a fine; or
- (d) take such other disciplinary action as it considers appropriate.

R.S.O. 1970,
c. 386, ss. 12-16,
repealed

10. Sections 12, 13, 14, 15 and 16 of *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, are repealed.

1972, c. 67,
s. 1 (1) (h),
repealed

11. Clause *h* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67 of the Statutes of Ontario, 1972, is repealed.

Short title

12. This Act may be cited as *The Public Servants Political Rights Act, 1976*.



An Act to provide
Political Rights for Public Servants

1st Reading

July 15th, 1976

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

EXPLANATORY NOTES

SECTION 1. The new section 30a empowers the Minister, in respect of land situate in a territorial district, to delegate the Minister's power to grant consents to land divisions to the planning board of a planning area in the district.

The new section 30b empowers the Minister to constitute district land division committees and to confer on such committees the power to grant such consents in respect of land situate in a territorial district.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

ss. 30a, 30b,
enacted

30a.—(1) The Minister may by order delegate to a planning board of a planning area in a territorial district the authority of the Minister to give consents under section 29 in respect of any land within the planning area and where authority is delegated to a planning board the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such planning board.

Delegation of
Minister's
powers

(2) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Conditions
and with-
drawal of
delegation

(3) Where the Minister has delegated his authority to a planning board under subsection 1, the provisions of subsections 6, 7, 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* in respect of applications for consent and such planning board shall be deemed to be a committee of adjustment for the purposes of subsections 6 and 12 of section 29.

Application
of ss. 41 (6, 7, 11,
12), 42 (3-20)

(4) A planning board as referred to in subsection 3 may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12a of section 29 apply *mutatis mutandis* to any such agreement.

Agreements

30b.—(1) The Minister by order may constitute and appoint one or more district land division committees com-

Appointment
of district
land division
committee
and
delegation

posed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 29 in respect of such lands situate in a territorial district as are defined in the order, and, where authority is delegated to a district land division committee, the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such district land division committee.

Conditions
and with-
drawal of
delegation

(2) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of ss. 41 (6-9, 11,
12), 42 (3-20)

(3) Where the Minister has delegated his authority to a district land division committee under subsection 1, the provisions of subsections 6 to 9 and 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* and such district land division committee is deemed to be a land division committee within the meaning of subsections 6 and 12 of section 29.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12*a* of section 29 apply *mutatis mutandis* to any such agreement.

Remunera-
tion

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be applied by the committee to the extent required in payment of the committee's operating expenses, including the remuneration of its members.

Moneys
R.S.O. 1970,
c. 349

2. Any moneys required for the purposes of section 30*b* of *The Planning Act*, as enacted by section 1 of this Act, shall, until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

s. 31 (2),
re-enacted

3. Subsection 2 of section 31 of the said Act is repealed and the following substituted therefor:

Where
jurisdiction
to grant
consents
may be
terminated

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment or a land division committee constituted and appointed

SECTION 2. Complementary to section 1 of the Bill; provision is made for the moneys required in connection with the operation of district land division committees.

SECTION 3. Subsection 2 of section 31 now empowers the Minister to withdraw from any committee of adjustment its consent-granting powers where he is of the opinion the committee is not exercising its powers in the manner contemplated by the Act; the re-enactment extends the Minister's power of withdrawal to any land division committee under the same circumstances.

SECTION 4.—Subsection 1. Subsection 5 of section 32 now reads as follows:

- (5) *The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of an order made under clause b of subsection 1 to be registered in the proper registry or land titles office.*

The subsection as re-enacted will require the Minister to give notice of any order he makes under section 32 of the Act within thirty days of its making, and to set out in the notice the provisions of subsections 7, 8 and 9 relating to the right of any person to request such order to be amended or revoked and to a hearing before the Municipal Board.

Subsection 2. The provisions of the new subsection 6 were formerly found in subsection 5. The provisions of subsection 7 relating to the Minister's authority to amend or revoke an order were formerly found in subsection 6; the provision relating to the right of any person to request such amendment or revocation is new. The new subsection 8 requires the Minister to allow an appropriate period of time within which representations may be made, before he amends or revokes any order.

The provisions of the new subsection 9 relating to a hearing by the Municipal Board were formerly found in subsection 6a; the subsection is extended to confer on any person the right to require a hearing by the Municipal Board, subject only to the right of the Minister under subsection 10 to refuse such hearing where in his opinion the request for hearing is not made in good faith or is frivolous or made only for the purpose of delay. The new subsection 11 provides for notice of the hearing by the Board. The new subsections 12 and 13 contain the provisions formerly found in subsections 6c and 6d. The new subsection 14 increases the maximum fine for a contravention of a Minister's zoning order from \$500 to \$1,000. The new subsection 15 contains the provisions formerly found in subsection 8.

Subsections 6 to 8 of section 32 now read as follows:

- (6) *The Minister may, by order, revoke or amend any order made under subsection 1.*
- (6a) *Where an application is made to the Minister for an amendment to an order made under clause a of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.*

under section 30 is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter where the jurisdiction of a committee of adjustment has been so terminated, the Minister or the land division committee, as the case may be, shall act in the place and stead of the committee of adjustment for the giving of consents, and, where the jurisdiction of a land division committee has been so terminated, the Minister shall act in the place and stead of the land division committee.

- 4.—(1) Subsection 5 of section 32 of the said Act, as amended <sup>s. 32 (5),
re-enacted</sup> by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor:

(5) No notice or hearing is required prior to the making ^{Notice} of an order under subsection 1 but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections 7, 8 and 9.

- (2) Subsection 6, subsections 6*a*, 6*b*, 6*c* and 6*d*, as enacted <sup>s. 32 (6-8),
re-enacted</sup> by the Statutes of Ontario, 1973, chapter 168, section 8, and subsections 7 and 8 of the said section 32 are repealed and the following substituted therefor:

(6) The Minister shall cause a certified copy or duplicate ^{Registration} of an order made under clause *b* of subsection 1 to be registered in the proper land registry office.

(7) The Minister may, on his own initiative or at the <sup>Revocation or
amendment</sup> request of any person, by order amend or revoke in whole or in part any order made under subsection 1.

(8) Except as provided in subsection 9, the Minister before ^{Notice} amending or revoking in whole or in part an order made under subsection 1 shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

(9) Where an application is made to the Minister to amend <sup>Hearing
by O.M.B.</sup> or revoke in whole or in part any order made under subsection 1, the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal
of request
by Minister

(10) Notwithstanding subsection 9, where the Minister is of the opinion that a request made under subsection 9 is not made in good faith or is frivolous or is made only for the purpose of delay, he may refuse such request.

Notice of
hearing

(11) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection 9 notice of the hearing shall be given in such manner and to such persons as the Municipal Board may direct, and the Municipal Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Report to
Minister

(12) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the application and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of
Minister
final

(13) After considering the report of the Municipal Board, the Minister may either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the decision of the Minister is final.

Offence

(14) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Effect of
land use
order

(15) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 29.

Prior orders
not invalid
for deficiency
in procedure
R.S.O. 1970,
c. 349

5.—(1) No order or regulation heretofore made in exercise of the powers conferred under section 32 of *The Planning Act* is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section.

Saving

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affect the outcome of any litigation commenced on or before the 26th day of October, 1976.

s. 42 (11, 12),
re-enacted

6.—(1) Subsections 11 and 12 of section 42 of the said Act are repealed and the following substituted therefor:

- (6b) *The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board.*
- (6c) *At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.*
- (6d) *After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.*
- (7) *Every person who contravenes an order of the Minister made under clause a of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.*
- (8) *An order of the Minister made under clause b of subsection 1 has the same effect as a by-law passed under section 29.*

SECTION 5. The effect of the section is to provide that previous orders of the Minister made under section 32 of the Act are not subject to being declared invalid by reason of any procedural defect in their making; the usual protection is afforded in the case of court decisions made or litigation commenced prior to the first reading date of this Bill.

SECTION 6.—Subsection 1. The present subsections 11 and 12 of section 42 require the secretary-treasurer of a committee of adjustment or of a land division committee to furnish in every case to the Minister a copy of its decision as well as the additional material mentioned. The re-enactment will require the sending of such material to the Minister only by a committee that has received a notice by the Minister so requiring it.

Subsection 2. The present subsection 15 requires the Municipal Board to send to the Minister a notice of every hearing to be held by the Board on an appeal from a decision of a committee of adjustment or land division committee; the re-enactment deletes that requirement.

Subsection 3. The re-enactment of the subsections deletes the requirement that the Minister receive a copy of every order by the Board made following an appeal from a decision by a committee.

(11) The secretary-treasurer shall send by mail one copy ^{Notice of decision} of the decision, certified by him,

- (a) to the Minister if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(12) Where the secretary-treasurer is required to send a ^{Additional material} copy of the decision to the Minister under subsection 11, he shall also send to the Minister with such copy, the following:

- 1. A copy of the application to the committee certified by the secretary-treasurer.
- 2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
- 3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
- 4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 11.

(2) Subsection 15 of the said section 42 is repealed and the ^{s. 42 (15), re-enacted} following substituted therefor:

(15) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(3) Subsections 18 and 19 of the said section 42 are repealed ^{s. 42 (18, 19), re-enacted} and the following substituted therefor:

(18) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a

copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(19) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

**Commence-
ment**

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Planning Amendment Act, 1976*.



An Act to amend
The Planning Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Housing

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The new section 30*a* empowers the Minister, in respect of land situate in a territorial district, to delegate the Minister's power to grant consents to land divisions to the planning board of a planning area in the district.

The new section 30*b* empowers the Minister to constitute district land division committees and to confer on such committees the power to grant such consents in respect of land situate in a territorial district.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

30a.—(1) The Minister may by order delegate to a planning board of a planning area in a territorial district the authority of the Minister to give consents under section 29 in respect of any land within the planning area and where authority is delegated to a planning board the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such planning board.

ss. 30a, 30b,
enacted
Delegation of
Minister's
powers

(2) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Conditions
and with-
drawal of
delegation

(3) Where the Minister has delegated his authority to a planning board under subsection 1, the provisions of subsections 6, 7, 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* in respect of applications for consent and such planning board shall be deemed to be a committee of adjustment for the purposes of subsections 6 and 12 of section 29.

Application
of ss. 41 (6, 7, 11,
12), 42 (3-20)

(4) A planning board as referred to in subsection 3 may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12a of section 29 apply *mutatis mutandis* to any such agreement.

Agreements

30b.—(1) The Minister by order may constitute and appoint one or more district land division committees and may by order delegate thereto the authority of the Minister to give consents under section 29 in respect of

Appointment
of district
land division
committee
and
delegation

such lands situate in a territorial district as are defined in the order, and, where authority is delegated to a district land division committee, the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such district land division committee.

**Selection
of
members**

(2) The members of a district land division committee to be appointed under subsection 1 shall be selected at a meeting or meetings of the property owners and tenants of land in the district defined in the order made under subsection 1, and the procedure for calling such meeting or meetings, the number of members to be selected and the manner of conducting such selection shall be as prescribed by regulations made by the Minister, which regulations the Minister is authorized to make.

**Conditions
and with-
drawal of
delegation**

(3) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

**Application
of ss. 41 (6-9, 11,
12), 42 (3-20)**

(4) Where the Minister has delegated his authority to a district land division committee under subsection 1, the provisions of subsections 6 to 9 and 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* and such district land division committee is deemed to be a land division committee within the meaning of subsections 6 and 12 of section 29.

Agreements

(5) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12*a* of section 29 apply *mutatis mutandis* to any such agreement.

**Remunera-
tion**

(6) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

**Application
of fees**

(7) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

**Moneys
R.S.O. 1970,
c. 349**

2. Any moneys required for the purposes of section 30*b* of *The Planning Act*, as enacted by section 1 of this Act, shall, until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

**s. 31 (2),
re-enacted**

3. Subsection 2 of section 31 of the said Act is repealed and the following substituted therefor:

SECTION 2. Complementary to section 1 of the Bill; provision is made for the moneys required in connection with the operation of district land division committees.

SECTION 3. Subsection 2 of section 31 now empowers the Minister to withdraw from any committee of adjustment its consent-granting powers where he is of the opinion the committee is not exercising its powers in the manner contemplated by the Act; the re-enactment extends the Minister's power of withdrawal to any land division committee under the same circumstances.

SECTION 4.—Subsection 1. Subsection 5 of section 32 now reads as follows:

- (5) *The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of an order made under clause b of subsection 1 to be registered in the proper registry or land titles office.*

The subsection as re-enacted will require the Minister to give notice of any order he makes under section 32 of the Act within thirty days of its making, and to set out in the notice the provisions of subsections 7, 8 and 9 relating to the right of any person to request such order to be amended or revoked and to a hearing before the Municipal Board.

Subsection 2. The provisions of the new subsection 6 were formerly found in subsection 5. The provisions of subsection 7 relating to the Minister's authority to amend or revoke an order were formerly found in subsection 6; the provision relating to the right of any person to request such amendment or revocation is new. The new subsection 8 requires the Minister to allow an appropriate period of time within which representations may be made, before he amends or revokes any order.

The provisions of the new subsection 9 relating to a hearing by the Municipal Board were formerly found in subsection 6a; the subsection is extended to confer on any person the right to require a hearing by the Municipal Board, subject only to the right of the Minister under subsection 10 to refuse such hearing where in his opinion the request for hearing is not made in good faith or is frivolous or made only for the purpose of delay. The new subsection 11 provides for notice of the hearing by the Board. The new subsections 12 and 13 contain the provisions formerly found in subsections 6c and 6d. The new subsection 14 increases the maximum fine for a contravention of a Minister's zoning order from \$500 to \$1,000. The new subsection 15 contains the provisions formerly found in subsection 8.

Subsections 6 to 8 of section 32 now read as follows:

- (6) *The Minister may, by order, revoke or amend any order made under subsection 1.*
- (6a) *Where an application is made to the Minister for an amendment to an order made under clause a of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.*

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment or a land division committee constituted and appointed under section 30 is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter where the jurisdiction of a committee of adjustment has been so terminated, the Minister or the land division committee, as the case may be, shall act in the place and stead of the committee of adjustment for the giving of consents, and, where the jurisdiction of a land division committee has been so terminated, the Minister shall act in the place and stead of the land division committee.

Where
jurisdiction
to grant
consents
may be
terminated

4.—(1) Subsection 5 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor:

s. 32 (5),
re-enacted

(5) No notice or hearing is required prior to the making of an order under subsection 1 but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections 7, 8 and 9.

Notice

(2) Subsection 6, subsections 6*a*, 6*b*, 6*c* and 6*d*, as enacted by the Statutes of Ontario, 1973, chapter 168, section 8, and subsections 7 and 8 of the said section 32 are repealed and the following substituted therefor:

s. 32 (6-8),
re-enacted

(6) The Minister shall cause a certified copy or duplicate of an order made under clause *b* of subsection 1 to be registered in the proper land registry office.

Registration

(7) The Minister may, on his own initiative or at the request of any person, by order amend or revoke in whole or in part any order made under subsection 1.

Revocation or
amendment

(8) Except as provided in subsection 9, the Minister before amending or revoking in whole or in part an order made under subsection 1 shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Notice

(9) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection 1, the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the

Hearing
by O.M.B.

application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.


Refusal
of request
by Minister

(10) Notwithstanding subsection 9, where the Minister is of the opinion that a request made under subsection 9 is not made in good faith or is frivolous or is made only for the purpose of delay, he may refuse such request.


Notice of
hearing

(11) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection 9 notice of the hearing shall be given in such manner and to such persons as the Municipal Board may direct, and the Municipal Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Power of
Municipal
Board

 (12) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall give effect to the decision of the Board.

Copy of
decision

(13) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representations on the matter. 

Offence

(14) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Effect of
land use
order

(15) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 29.

Prior orders
not invalid
for deficiency
in procedure
R.S.O. 1970,
c. 349

5.—(1) No order or regulation heretofore made in exercise of the powers conferred under section 32 of *The Planning Act* is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section.

Saving

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affect the outcome of any litigation commenced on or before the 26th day of October, 1976.

s. 42 (11, 12),
re-enacted

6.—(1) Subsections 11 and 12 of section 42 of the said Act are repealed and the following substituted therefor:

- (6b) *The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board.*
- (6c) *At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.*
- (6d) *After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.*
- (7) *Every person who contravenes an order of the Minister made under clause a of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.*
- (8) *An order of the Minister made under clause b of subsection 1 has the same effect as a by-law passed under section 29.*

SECTION 5. The effect of the section is to provide that previous orders of the Minister made under section 32 of the Act are not subject to being declared invalid by reason of any procedural defect in their making; the usual protection is afforded in the case of court decisions made or litigation commenced prior to the first reading date of this Bill.

SECTION 6.—Subsection 1. The present subsections 11 and 12 of section 42 require the secretary-treasurer of a committee of adjustment or of a land division committee to furnish in every case to the Minister a copy of its decision as well as the additional material mentioned. The re-enactment will require the sending of such material to the Minister only by a committee that has received a notice by the Minister so requiring it.

Subsection 2. The present subsection 15 requires the Municipal Board to send to the Minister a notice of every hearing to be held by the Board on an appeal from a decision of a committee of adjustment or land division committee; the re-enactment deletes that requirement.

Subsection 3. The re-enactment of the subsections deletes the requirement that the Minister receive a copy of every order by the Board made following an appeal from a decision by a committee.

(11) The secretary-treasurer shall send by mail one copy ^{Notice of decision} of the decision, certified by him,

(a) to the Minister if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;

(b) to the applicant; and

(c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(12) Where the secretary-treasurer is required to send a ^{Additional material} copy of the decision to the Minister under subsection 11, he shall also send to the Minister with such copy, the following:

1. A copy of the application to the committee certified by the secretary-treasurer.
2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 11.

(2) Subsection 15 of the said section 42 is repealed and the ^{s. 42 (15), re-enacted} following substituted therefor:

(15) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(3) Subsections 18 and 19 of the said section 42 are repealed ^{s. 42 (18, 19), re-enacted} and the following substituted therefor:

(18) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a

copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem	(19) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.
Commence- ment	7. This Act comes into force on the day it receives Royal Assent.
Short title	8. This Act may be cited as <i>The Planning Amendment Act, 1976</i> .





An Act to amend
The Planning Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

THE HON. J. R. RHODES
Minister of Housing

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 130

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

30a.—(1) The Minister may by order delegate to a planning board of a planning area in a territorial district the authority of the Minister to give consents under section 29 in respect of any land within the planning area and where authority is delegated to a planning board the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such planning board.

ss. 30a, 30b,
enacted

Delegation of
Minister's
powers

(2) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Conditions
and with-
drawal of
delegation

(3) Where the Minister has delegated his authority to a planning board under subsection 1, the provisions of subsections 6, 7, 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* in respect of applications for consent and such planning board shall be deemed to be a committee of adjustment for the purposes of subsections 6 and 12 of section 29.

Application
of ss. 41 (6, 7, 11,
12), 42 (3-20)

(4) A planning board as referred to in subsection 3 may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12a of section 29 apply *mutatis mutandis* to any such agreement.

Agreements

30b.—(1) The Minister by order may constitute and appoint one or more district land division committees and may by order delegate thereto the authority of the Minister to give consents under section 29 in respect of

Appointment
of district
land division
committee
and
delegation

such lands situate in a territorial district as are defined in the order, and, where authority is delegated to a district land division committee, the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such district land division committee.

Selection
of
members

(2) The members of a district land division committee to be appointed under subsection 1 shall be selected at a meeting or meetings of the property owners and tenants of land in the district defined in the order made under subsection 1, and the procedure for calling such meeting or meetings, the number of members to be selected and the manner of conducting such selection shall be as prescribed by regulations made by the Minister, which regulations the Minister is authorized to make.

Conditions
and with-
drawal of
delegation

(3) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of ss. 41 (6-9, 11,
12), 42 (3-20)

(4) Where the Minister has delegated his authority to a district land division committee under subsection 1, the provisions of subsections 6 to 9 and 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* and such district land division committee is deemed to be a land division committee within the meaning of subsections 6 and 12 of section 29.

Agreements

(5) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12*a* of section 29 apply *mutatis mutandis* to any such agreement.

Remunera-
tion

(6) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(7) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

Moneys
R.S.O. 1970,
c. 349

2. Any moneys required for the purposes of section 30*b* of *The Planning Act*, as enacted by section 1 of this Act, shall, until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

s. 31 (2),
re-enacted

3. Subsection 2 of section 31 of the said Act is repealed and the following substituted therefor:

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment or a land division committee constituted and appointed under section 30 is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter where the jurisdiction of a committee of adjustment has been so terminated, the Minister or the land division committee, as the case may be, shall act in the place and stead of the committee of adjustment for the giving of consents, and, where the jurisdiction of a land division committee has been so terminated, the Minister shall act in the place and stead of the land division committee.

Where
jurisdiction
to grant
consents
may be
terminated

- 4.—(1) Subsection 5 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor:

s. 32 (5),
re-enacted

(5) No notice or hearing is required prior to the making of an order under subsection 1 but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections 7, 8 and 9.

Notice

- (2) Subsection 6, subsections 6*a*, 6*b*, 6*c* and 6*d*, as enacted by the Statutes of Ontario, 1973, chapter 168, section 8, and subsections 7 and 8 of the said section 32 are repealed and the following substituted therefor:

s. 32 (6-8),
re-enacted

(6) The Minister shall cause a certified copy or duplicate of an order made under clause *b* of subsection 1 to be registered in the proper land registry office.

Registration

(7) The Minister may, on his own initiative or at the request of any person, by order amend or revoke in whole or in part any order made under subsection 1.

Revocation or
amendment

(8) Except as provided in subsection 9, the Minister before amending or revoking in whole or in part an order made under subsection 1 shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Notice

(9) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection 1, the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the

Hearing
by O.M.B.

application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal
of request
by Minister

(10) Notwithstanding subsection 9, where the Minister is of the opinion that a request made under subsection 9 is not made in good faith or is frivolous or is made only for the purpose of delay, he may refuse such request.

Notice of
hearing

(11) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection 9 notice of the hearing shall be given in such manner and to such persons as the Municipal Board may direct, and the Municipal Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Power of
Municipal
Board

(12) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall give effect to the decision of the Board.

Copy of
decision

(13) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representations on the matter.

Offence

(14) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Effect of
land use
order

(15) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 29.

Prior orders
not invalid
for deficiency
in procedure
R.S.O. 1970,
c. 349

5.—(1) No order or regulation heretofore made in exercise of the powers conferred under section 32 of *The Planning Act* is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section.

Saving

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affect the outcome of any litigation commenced on or before the 26th day of October, 1976.

s. 42 (11, 12),
re-enacted

6.—(1) Subsections 11 and 12 of section 42 of the said Act are repealed and the following substituted therefor:

(11) The secretary-treasurer shall send by mail one copy ^{Notice of decision} of the decision, certified by him,

- (a) to the Minister if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(12) Where the secretary-treasurer is required to send a ^{Additional material} copy of the decision to the Minister under subsection 11, he shall also send to the Minister with such copy, the following:

- 1. A copy of the application to the committee certified by the secretary-treasurer.
- 2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
- 3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
- 4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 11.

(2) Subsection 15 of the said section 42 is repealed and the ^{s. 42 (15), re-enacted} following substituted therefor:

(15) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(3) Subsections 18 and 19 of the said section 42 are repealed ^{s. 42 (18, 19), re-enacted} and the following substituted therefor:

(18) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a

copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(19) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Planning Amendment Act, 1976*.





An Act to amend
The Planning Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. J. R. RHODES
Minister of Housing

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Farm Income Stabilization

THE HON. W. NEWMAN
Minister of Agriculture and Food

EXPLANATORY NOTE

The Bill provides for the establishment of the Farm Income Stabilization Commission of Ontario and empowers the Commission, subject to the approval of the Lieutenant Governor in Council, to make regulations establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan.

The Commission, in exercising its powers, may ascertain farm product receipts applicable to any farm product under a plan, may establish a stabilization price or prices respecting any such farm product, and may pay to persons enrolled in the plan the amount, if any, by which the appropriate stabilization price exceeds the appropriate farm product receipt.

The stabilization price, where fixed in relation to a farm product, will be fixed at 95 per cent of the five-year average price adjusted for cash-cost changes. Farm product receipts would be established at a level representing not less than 90 per cent of the five-year average price adjusted for cash-cost changes.

BILL 131

1976

An Act respecting Farm Income Stabilization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Farm Income Stabilization Commission of Ontario;
- (b) "farm product" means animals, meats, eggs, poultry, wool, milk, cream, grains, seeds, fruit, vegetables, maple products, honey and tobacco, or any class or part thereof, produced in Ontario;
- (c) "farm product receipts" means the amount ascertained and prescribed by the Commission for the purposes of a plan as representing, for each unit of farm product, the sum of,
 - (i) the market price,
 - (ii) the amount prescribed under clause *c* of subsection 1 of section 6 as a stabilization factor, and
 - (iii) any other moneys received or receivable by producers respecting the farm product to which the plan applies;
- (d) "Fund" means the Ontario Farm Income Stabilization Fund;
- (e) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;
- (f) "Minister" means the Minister of Agriculture and Food;

(g) "plan" means a voluntary plan for farm income stabilization established under subsection 1 of section 6;

(h) "regulations" means the regulations made under this Act.

Farm Income
Stabilization
Commission
of Ontario
established

2.—(1) There is hereby established a commission to be known as the "Farm Income Stabilization Commission of Ontario", which shall be a corporation without share capital responsible to the Minister.

Composition
of
Commission

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) Three members of the Commission, of whom one shall be the chairman or vice-chairman, constitute a quorum.

Remunera-
tion

(5) Members of the Commission who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

R.S.O. 1970,
c. 89 does
not apply

(6) *The Corporations Act* does not apply to the Commission.

Commission
a Crown
agency
R.S.O. 1970,
c. 100

(7) The Commission is a Crown agency within the meaning of *The Crown Agency Act*.

General
manager
and staff

3.—(1) A general manager of the Commission and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

R.S.O. 1970,
c. 387
to apply

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission as if it had been designated by the Lieutenant Governor in Council under section 27 of that Act.

General
manager to
be chief
adminis-
trative
officer

(3) The general manager of the Commission shall be the chief administrative officer of the Commission.

Professional
and technical
assistance

(4) The Commission may, subject to the approval of the Minister, engage persons other than those appointed under

subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.

4.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary.

Appointment
of chief
inspector
and
inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

Powers of
inspector

(a) enter any premises, other than a dwelling, owned or occupied by a person enrolled in a plan; and

(b) demand the production or furnishing by the person enrolled in the plan of any books, records or documents or extracts therefrom relating to the farm product to which the plan applies.

(4) An inspector shall exercise his powers under subsection 3 only during normal business hours, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

When
powers may
be exercised

R.S.O. 1970,
c. 450

(5) Where an inspector demands the production or furnishing of books, records or documents, or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Production
and photo-
copying of
records, etc.

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Certification
of photocopy

(7) Where an inspector makes a demand under clause b of subsection 3, the demand shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required.

Demand
to be in
writing

Obstruction
of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Offence

(9) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Functions
and powers of
Commission

5. It is the function of the Commission and it has power,

- (a) to administer plans of farm income stabilization established by the regulations;
- (b) to provide for surveys and research relating to farm income stabilization and to obtain statistics for its purposes;
- (c) to administer this Act and the regulations; and
- (d) to exercise such powers and perform such duties as are conferred or imposed on it by or under this or any other Act.

Regulations
by
Commission

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan and, without restricting the generality of the foregoing, may make regulations,

- (a) designating a farm product to which a plan applies;
- (b) ascertaining and prescribing, from time to time, the farm product receipts effective for a farm product to which a plan applies;
- (c) prescribing, from time to time, the stabilization factor to be included in the farm product receipts effective for a farm product which shall be,
 - (i) in the case of a farm product named in subsection 1 of section 2 of the *Agricultural Stabilization Act* (Canada), the moneys paid or payable per unit of farm product under that Act,

R.S.C. 1970,
c. A-9

- (ii) in the case of a farm product designated as an agricultural commodity under the

Agricultural Stabilization Act (Canada), where <sup>R.S.C. 1970,
c. A-9</sup> the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is less than ninety, the moneys that would have been paid or payable per unit of farm product under that Act if the percentage prescribed had been ninety,

- (iii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is ninety or greater, the moneys paid or payable per unit of farm product under that Act, or
- (iv) in the case of a farm product other than those referred to in subclauses i, ii and iii, an amount that, in the opinion of the Commission, represents the amount of money that would have been payable per unit of farm product if the farm product had been designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada) and the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act were ninety;
- (d) ascertaining and prescribing, from time to time, a base price respecting the farm product to which a plan applies representing the average price thereof at representative markets as determined by the Commission for the five years immediately preceding the year prescribed in the plan;
- (e) establishing, from time to time, a stabilization price or prices respecting a farm product to which a plan applies obtained by adjusting 95 per cent of the base price thereof by an index calculated in such manner as the Commission may prescribe in the regulations to reflect the estimated cash-cost of production of the farm product in the year for which the stabilization price or prices are established as compared with the average cash-cost of production for the five years immediately preceding that year;
- (f) fixing, from time to time, the fees to be paid by any person enrolled in a plan, and prescribing the times and method of payment;

- (g) prescribing the maximum level of production or marketing for which a person enrolled in a plan is eligible to receive payments under the plan;
- (h) prescribing the minimum level of production or marketing by a person to be eligible to enrol or continue to be enrolled in a plan;
- (i) prescribing, in respect of a farm product to which a plan applies, the proportion of gross income derived from farming that a person is required to have to be eligible to enrol or continue to be enrolled in the plan;
- (j) prescribing terms and conditions to be complied with by applicants for enrolment in a plan;
- (k) prescribing the length of the term of enrolment and conditions of enrolment to be complied with by persons enrolled in a plan;
- (l) requiring applicants for enrolment in a plan or any person enrolled in a plan to furnish such information, statements or reports as the Commission from time to time requires;
- (m) prescribing the time or times at which applications for enrolment in a plan may be made;
- (n) prescribing the terms and conditions under which a person enrolled in a plan may withdraw from participation in the plan;
- (o) providing for the adjustment of fees payable by any person enrolled in a plan or the adjustment of payments thereto, where the amount of farm product for which fees were paid varies from the amount otherwise eligible for payment or where the person receives moneys respecting the farm product that are not taken into account in calculating the farm product receipts prescribed for the farm product;
- (p) prescribing the time or times at which payments shall be made under subsection 4;
- (q) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) No person who is not ordinarily a resident of Ontario is eligible to enrol in a plan. Eligibility
for
enrolment

(3) The Commission shall fix fees to be paid by a person enrolled in a plan at a level that, in its opinion, will return one-third of the amount necessary to maintain the Fund in respect of the farm product for which fees are fixed over the length of the term of enrolment prescribed in the plan. Level at
which fees
to be fixed

(4) Where, under a plan, the stabilization price exceeds the farm product receipts, the Commission, subject to the regulations, shall, at the time or times prescribed in the regulations, pay to those persons enrolled in the plan the difference between the stabilization price and the farm product receipts respecting any farm product under the plan marketed by such persons. Payment
to persons
enrolled
in plan

(5) Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the Commission, and which may be prescribed in the regulations, the stabilization price, for the purposes of subsection 4, shall be deemed to be equal to that cost of production figure. Stabilization
price deemed
to be equal
to cost of
production
figure

7. The Commission may at any time consult with or conduct such discussions with any local board under *The Farm Products Marketing Act*, any marketing board under *The Milk Act* or any other organization or group of producers as the Commission considers proper respecting the terms of any plan or proposed plan. Power of
Commission
R.S.O. 1970.
cc. 162, 173

8.—(1) The Commission may, after a hearing, cancel the enrolment of any person enrolled in a plan where the Commission finds that he or any other person under his control, in his employ or associated with him in producing the farm product for which he is enrolled, has, Refusal
of payment
after
hearing

(a) contravened subsection 8 of section 4;

(b) knowingly supplied the Commission with information respecting such farm product that is false or calculated to mislead and that may affect payments to him under the plan; or

(c) ceased to be qualified to be enrolled in the plan,

and may make such order as to repayment of the whole or any part of fees paid or the payment of any benefits that might otherwise accrue under this Act as the Commission considers just and proper.

1971, c. 47,
applies

(2) *The Statutory Powers Procedure Act, 1971* applies to a hearing held under subsection 1.

Person
deemed
to have
withdrawn
from
enrolment

(3) Where a person who has been enrolled in a plan fails to pay fees in the amount and manner prescribed in the regulations, he shall be deemed to have withdrawn from enrolment.

Enrolment
or refusal
of enrolment

(4) Where a person who was enrolled in a plan has withdrawn or is deemed to have withdrawn from enrolment in the plan or has had his enrolment cancelled, the Commission, subject to the regulations, may at any time enrol or refuse to enrol that person in that or any other plan.

Fees to be
paid to
Commission

9.—(1) All fees fixed in respect of a plan shall be paid to the Commission.

Payment to
Commission

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission such amounts out of the moneys appropriated therefor by the Legislature as the Lieutenant Governor in Council may determine.

Ontario
Farm Income
Stabilization
Fund

10.—(1) The Commission shall establish and maintain in a chartered bank or the Province of Ontario Savings Office a fund to be known as the "Ontario Farm Income Stabilization Fund", to which shall be credited the moneys received by the Commission under sections 9 and 11.

Books of
account

(2) The Commission shall maintain separate books of account respecting each farm product to which a plan applies.

Payments
out of
Fund

(3) The Commission shall pay out of the Fund all moneys required for,

(a) the payment of moneys under any plan; and

(b) the repayment of loans made under section 11.

Loans to
Commission

11. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Commission and may acquire and hold as evidence thereof bonds, debentures or notes or other evidences of indebtedness of the Commission.

Surplus

12. The Commission shall, at the discretion of the Treasurer of Ontario, pay into the Consolidated Revenue

Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission and section 16 of *The Financial Administration Act* applies thereto. R.S.O. 1970,
c. 166

13.—(1) The moneys required for the purpose of defraying ^{Moneys} the operating expenses of the Commission shall be paid out of moneys appropriated by the Legislature for that purpose.

(2) Notwithstanding subsection 1, the moneys required ^{Idem} for the purposes of this Act shall, from the date of the coming into force of this Act until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

14. The accounts and financial transactions of the Com- ^{Audit} mission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister.

15.—(1) The Commission shall make an annual report of ^{Annual report} the affairs of the Commission to the Minister.

(2) The Minister shall submit the annual report to the ^{Tabling} Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

16. The Minister may, with the approval of the Lieuten- ^{Agreements with Government of Canada} ant Governor in Council, enter into agreements with the Government of Canada to further the carrying out of the intent and purpose of this Act.

17. This Act comes into force on a day to be named <sup>Commence-
ment</sup> by proclamation of the Lieutenant Governor.

18. This Act may be cited as *The Farm Income Stabiliza- ^{Short title} tion Act, 1976.*

An Act respecting
Farm Income Stabilization

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. W. NEWMAN
Minister of Agriculture and Food

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Farm Income Stabilization

THE HON. W. NEWMAN
Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the establishment of the Farm Income Stabilization Commission of Ontario and empowers the Commission, subject to the approval of the Lieutenant Governor in Council, to make regulations establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan.

The Commission, in exercising its powers, may ascertain farm product receipts applicable to any farm product under a plan, may establish a stabilization price or prices respecting any such farm product, and may pay to persons enrolled in the plan the amount, if any, by which the appropriate stabilization price exceeds the appropriate farm product receipt.

The stabilization price, where fixed in relation to a farm product, will be fixed at 95 per cent of the five-year average price adjusted for cash-cost changes. Farm product receipts would be established at a level representing not less than 90 per cent of the five-year average price adjusted for cash-cost changes.

BILL 131

1976

An Act respecting Farm Income Stabilization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Farm Income Stabilization Commission of Ontario;
- (b) "farm product" means animals, meats, eggs, poultry, wool, milk, cream, grains, seeds, fruit, vegetables, maple products, honey and tobacco, or any class or part thereof, produced in Ontario;
- (c) "farm product receipts" means the amount ascertained and prescribed by the Commission for the purposes of a plan as representing, for each unit of farm product, the sum of,
 - (i) the market price,
 - (ii) the amount prescribed under clause *c* of subsection 1 of section 6 as a stabilization factor, and
 - (iii) any other moneys received or receivable by producers respecting the farm product to which the plan applies;
- (d) "Fund" means the Ontario Farm Income Stabilization Fund;
- (e) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;
- (f) "Minister" means the Minister of Agriculture and Food;

(g) "plan" means a voluntary plan for farm income stabilization established under subsection 1 of section 6;

(h) "regulations" means the regulations made under this Act.

Farm Income
Stabilization
Commission
of Ontario
established

2.—(1) There is hereby established a commission to be known as the "Farm Income Stabilization Commission of Ontario", which shall be a corporation without share capital responsible to the Minister.

Composition
of
Commission

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council.

Nomination
for
appointment

(3) Three members may be appointed, one to represent each of the Christian Farmers Federation, the National Farmers Union and the Ontario Federation of Agriculture, on the following basis:

1. Each such organization may, in every year, before the 31st day of March, nominate to the Lieutenant Governor in Council a person for membership on the Commission.

2. The Lieutenant Governor in Council shall appoint such nominees as members of the Commission before the 30th day of April in that year to hold office until the 29th day of April in the year next following.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(5) Three members of the Commission, of whom one shall be the chairman or vice-chairman, constitute a quorum.

Remunera-
tion

(6) Members of the Commission who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

R.S.O. 1970,
c. 89 does
not apply

(7) *The Corporations Act* does not apply to the Commission.

Commission
a Crown
agency
R.S.O. 1970,
c. 100

(8) The Commission is a Crown agency within the meaning of *The Crown Agency Act*.

(9) The failure or refusal to nominate a person by any of the organizations referred to in subsection 3, or the consequent lack of appointment of a person to represent such organization, or the failure or refusal of any member appointed in accordance with subsection 3 to act, does not affect the status of the Commission, the carrying out of its powers and duties under this Act or the validity of any order, direction or regulation made by it.

Powers, etc.,
of
Commission
not affected

3.—(1) A general manager of the Commission and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act*.

General
manager
and staff

R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission as if it had been designated by the Lieutenant Governor in Council under section 27 of that Act.

R.S.O. 1970,
c. 387
to apply

(3) The general manager of the Commission shall be the chief administrative officer of the Commission.

General
manager to
be chief
adminis-
trative
officer

(4) The Commission may, subject to the approval of the Minister, engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.

Professional
and technical
assistance

4.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary.

Appointment
of chief
inspector
and
inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

Powers of
inspector

- (a) enter any premises, other than a dwelling, owned or occupied by a person enrolled in a plan; and
- (b) demand the production or furnishing by the person enrolled in the plan of any books, records or documents or extracts therefrom relating to the farm product to which the plan applies.

When
powers may
be exercised

R.S.O. 1970,
c. 450

Production
and photo-
copying of
records, etc.

Certification
of photocopy

Demand
to be in
writing

Obstruction
of inspector

Offence

Functions
and powers of
Commission

(4) An inspector shall exercise his powers under subsection 3 only during normal business hours, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

(5) Where an inspector demands the production or furnishing of books, records or documents, or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required.

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

(9) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

5. It is the function of the Commission and it has power,

(a) to administer plans of farm income stabilization established by the regulations;

(b) to provide for surveys and research relating to farm income stabilization and to obtain statistics for its purposes;

(c) to administer this Act and the regulations; and

(d) to exercise such powers and perform such duties as are conferred or imposed on it by or under this or any other Act.

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations^{Regulations by Commission} establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan and, without restricting the generality of the foregoing, may make regulations,

- (a) designating a farm product to which a plan applies;
- (b) ascertaining and prescribing, from time to time, the farm product receipts effective for a farm product to which a plan applies;
- (c) prescribing, from time to time, the stabilization factor to be included in the farm product receipts effective for a farm product which shall be,
 - (i) in the case of a farm product named in subsection 1 of section 2 of the *Agricultural Stabilization Act* (Canada), the moneys paid or payable per unit of farm product under that Act, R.S.C. 1970,
c. A-9
 - (ii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is less than ninety, the moneys that would have been paid or payable per unit of farm product under that Act if the percentage prescribed had been ninety,
 - (iii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is ninety or greater, the moneys paid or payable per unit of farm product under that Act, or
 - (iv) in the case of a farm product other than those referred to in subclauses i, ii and iii, an amount that, in the opinion of the Commission, represents the amount of money that would have been payable per unit of farm product if the farm product had been designated as an agricultural commodity under the *Agricultural Stabilization Act*

(Canada) and the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act were ninety;

- (*d*) ascertaining and prescribing, from time to time, a base price respecting the farm product to which a plan applies representing the average price thereof at representative markets as determined by the Commission for the five years immediately preceding the year prescribed in the plan;
- (*e*) establishing, from time to time, a stabilization price or prices respecting a farm product to which a plan applies obtained by adjusting 95 per cent of the base price thereof by an index calculated in such manner as the Commission may prescribe in the regulations to reflect the estimated cash-cost of production of the farm product in the year for which the stabilization price or prices are established as compared with the average cash-cost of production for the five years immediately preceding that year;
- (*f*) fixing, from time to time, the fees to be paid by any person enrolled in a plan, and prescribing the times and method of payment;
- (*g*) prescribing the maximum level of production or marketing for which a person enrolled in a plan is eligible to receive payments under the plan;
- (*h*) prescribing the minimum level of production or marketing by a person to be eligible to enrol or continue to be enrolled in a plan;
- (*i*) prescribing, in respect of a farm product to which a plan applies, the proportion of gross income derived from farming that a person is required to have to be eligible to enrol or continue to be enrolled in the plan;
- (*j*) prescribing terms and conditions to be complied with by applicants for enrolment in a plan;
- (*k*) prescribing the length of the term of enrolment and conditions of enrolment to be complied with by persons enrolled in a plan;
- (*l*) requiring applicants for enrolment in a plan or any person enrolled in a plan to furnish such

information, statements or reports as the Commission from time to time requires;

- (m) prescribing the time or times at which applications for enrolment in a plan may be made;
- (n) prescribing the terms and conditions under which a person enrolled in a plan may withdraw from participation in the plan;
- (o) providing for the adjustment of fees payable by any person enrolled in a plan or the adjustment of payments thereto, where the amount of farm product for which fees were paid varies from the amount otherwise eligible for payment or where the person receives moneys respecting the farm product that are not taken into account in calculating the farm product receipts prescribed for the farm product;
- (p) prescribing the time or times at which payments shall be made under subsection 4;
- (q) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) No person who is not ordinarily a resident of Ontario is eligible to enrol in a plan. Eligibility
for
enrolment

(3) The Commission shall fix fees to be paid by a person enrolled in a plan at a level that, in its opinion, will return one-third of the amount necessary to maintain the Fund in respect of the farm product for which fees are fixed over the length of the term of enrolment prescribed in the plan. Level at
which fees
to be fixed

(4) Where, under a plan, the stabilization price exceeds the farm product receipts, the Commission, subject to the regulations, shall, at the time or times prescribed in the regulations, pay to those persons enrolled in the plan the difference between the stabilization price and the farm product receipts respecting any farm product under the plan marketed by such persons. Payment
to persons
enrolled
in plan

(5) Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the Commission, and which may be prescribed in the regulations, the stabilization price, for Stabilization
price deemed
to be equal
to cost of
production
figure

the purposes of subsection 4, shall be deemed to be equal to that cost of production figure.

Negotiation

7.—(1) The Commission shall, respecting any proposed plan or proposed amendments to a plan, negotiate with,

R.S.O. 1970,
cc. 162, 273

- (a) any local board under *The Farm Products Marketing Act* or marketing board under *The Milk Act* affected thereby;
- (b) the Christian Farmers Federation;
- (c) the National Farmers Union;
- (d) the Ontario Federation of Agriculture; and
- (e) such other organizations or groups of producers as the Commission considers proper.

Powers under
s. 6 not
affected by
failure to
negotiate

(2) The failure or refusal to negotiate or continue negotiation by any of the organizations referred to in clauses *a*, *b*, *c*, *d* and *e* of subsection 1 does not affect the exercise by the Commission or the Lieutenant Governor in Council of the powers contained in section 6.

Refusal
of payment
after
hearing

8.—(1) The Commission may, after a hearing, cancel the enrolment of any person enrolled in a plan where the Commission finds that he or any other person under his control, in his employ or associated with him in producing the farm product for which he is enrolled, has,

- (a) contravened subsection 8 of section 4;
- (b) knowingly supplied the Commission with information respecting such farm product that is false or calculated to mislead and that may affect payments to him under the plan; or
- (c) ceased to be qualified to be enrolled in the plan,

and may make such order as to repayment of the whole or any part of fees paid or the payment of any benefits that might otherwise accrue under this Act as the Commission considers just and proper.

1971, c. 47,
applies

(2) *The Statutory Powers Procedure Act, 1971* applies to a hearing held under subsection 1.

Person
deemed
to have
withdrawn
from
enrolment

(3) Where a person who has been enrolled in a plan fails to pay fees in the amount and manner prescribed

in the regulations, he shall be deemed to have withdrawn from enrolment.

(4) Where a person who was enrolled in a plan has withdrawn or is deemed to have withdrawn from enrolment in the plan or has had his enrolment cancelled, the Commission, subject to the regulations, may at any time enrol or refuse to enrol that person in that or any other plan.

9.—(1) All fees fixed in respect of a plan shall be paid to the Commission.

Enrolment
or refusal
of enrolment

Fees to be
paid to
Commission

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission such amounts out of the moneys appropriated therefor by the Legislature as the Lieutenant Governor in Council may determine.

Payment to
Commission

10.—(1) The Commission shall establish and maintain in a chartered bank or the Province of Ontario Savings Office a fund to be known as the "Ontario Farm Income Stabilization Fund", to which shall be credited the moneys received by the Commission under sections 9 and 11.

Ontario
Farm Income
Stabilization
Fund

(2) The Commission shall maintain separate books of account respecting each farm product to which a plan applies.

Books of
account

(3) The Commission shall pay out of the Fund all moneys required for,

Payments
out of
Fund

(a) the payment of moneys under any plan; and

(b) the repayment of loans made under section 11.

11. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Commission and may acquire and hold as evidence thereof bonds, debentures or notes or other evidences of indebtedness of the Commission.

Loans to
Commission

12. The Commission shall, at the discretion of the Treasurer of Ontario, pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission and section 16 of *The Financial Administration Act* applies thereto.

Surplus

R.S.O. 1970,
c. 166

- Moneys** **13.**—(1) The moneys required for the purpose of defraying the operating expenses of the Commission shall be paid out of moneys appropriated by the Legislature for that purpose.
- Idem** (2) Notwithstanding subsection 1, the moneys required for the purposes of this Act shall, from the date of the coming into force of this Act until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- Audit** **14.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister.
- Annual report** **15.**—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.
- Tabling** (2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.
- Agreements with Government of Canada** **16.** The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada to further the carrying out of the intent and purpose of this Act.
- Commencement** **17.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title** **18.** This Act may be cited as *The Farm Income Stabilization Act, 1976*.

An Act respecting
Farm Income Stabilization

1st Reading

October 26th, 1976

2nd Reading

November 25th, 1976

3rd Reading

THE HON. W. NEWMAN
Minister of Agriculture and Food

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 131

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Farm Income Stabilization

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



An Act respecting Farm Income Stabilization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Farm Income Stabilization Commission of Ontario;
- (b) "farm product" means animals, meats, eggs, poultry, wool, milk, cream, grains, seeds, fruit, vegetables, maple products, honey and tobacco, or any class or part thereof, produced in Ontario;
- (c) "farm product receipts" means the amount ascertained and prescribed by the Commission for the purposes of a plan as representing, for each unit of farm product, the sum of,
 - (i) the market price,
 - (ii) the amount prescribed under clause *c* of subsection 1 of section 6 as a stabilization factor, and
 - (iii) any other moneys received or receivable by producers respecting the farm product to which the plan applies;
- (d) "Fund" means the Ontario Farm Income Stabilization Fund;
- (e) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;
- (f) "Minister" means the Minister of Agriculture and Food;

(g) "plan" means a voluntary plan for farm income stabilization established under subsection 1 of section 6;

(h) "regulations" means the regulations made under this Act.

Farm Income
Stabilization
Commission
of Ontario
established

2.—(1) There is hereby established a commission to be known as the "Farm Income Stabilization Commission of Ontario", which shall be a corporation without share capital responsible to the Minister.

Composition
of
Commission

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council.

Nomination
for
appointment

(3) Three members may be appointed, one to represent each of the Christian Farmers Federation, the National Farmers Union and the Ontario Federation of Agriculture, on the following basis:

1. Each such organization may, in every year, before the 31st day of March, nominate to the Lieutenant Governor in Council a person for membership on the Commission.
2. The Lieutenant Governor in Council shall appoint such nominees as members of the Commission before the 30th day of April in that year to hold office until the 29th day of April in the year next following.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(5) Three members of the Commission, of whom one shall be the chairman or vice-chairman, constitute a quorum.

Remunera-
tion

(6) Members of the Commission who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

R.S.O. 1970,
c. 89 does
not apply

(7) *The Corporations Act* does not apply to the Commission.

Commission
a Crown
agency
R.S.O. 1970,
c. 100

(8) The Commission is a Crown agency within the meaning of *The Crown Agency Act*.

(9) The failure or refusal to nominate a person by any of the organizations referred to in subsection 3, or the consequent lack of appointment of a person to represent such organization, or the failure or refusal of any member appointed in accordance with subsection 3 to act, does not affect the status of the Commission, the carrying out of its powers and duties under this Act or the validity of any order, direction or regulation made by it.

Powers, etc.,
of
Commission
not affected

3.—(1) A general manager of the Commission and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act*.

General
manager
and staff

R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission as if it had been designated by the Lieutenant Governor in Council under section 27 of that Act.

R.S.O. 1970,
c. 387
to apply

(3) The general manager of the Commission shall be the chief administrative officer of the Commission.

General
manager to
be chief
adminis-
trative
officer

(4) The Commission may, subject to the approval of the Minister, engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.

Professional
and technical
assistance

4.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary.

Appointment
of chief
inspector
and
inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

Powers of
inspector

(a) enter any premises, other than a dwelling, owned or occupied by a person enrolled in a plan; and

(b) demand the production or furnishing by the person enrolled in the plan of any books, records or documents or extracts therefrom relating to the farm product to which the plan applies.

When
powers may
be exercised

(4) An inspector shall exercise his powers under subsection 3 only during normal business hours, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,
c. 450

Production
and photo-
copying of
records, etc.

(5) Where an inspector demands the production or furnishing of books, records or documents, or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand
to be in
writing

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required.

Obstruction
of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Offence

(9) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Functions
and powers of
Commission

5. It is the function of the Commission and it has power,

- (a) to administer plans of farm income stabilization established by the regulations;
- (b) to provide for surveys and research relating to farm income stabilization and to obtain statistics for its purposes;
- (c) to administer this Act and the regulations; and
- (d) to exercise such powers and perform such duties as are conferred or imposed on it by or under this or any other Act.

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations^{Regulations by Commission} establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan and, without restricting the generality of the foregoing, may make regulations,

- (a) designating a farm product to which a plan applies;
- (b) ascertaining and prescribing, from time to time, the farm product receipts effective for a farm product to which a plan applies;
- (c) prescribing, from time to time, the stabilization factor to be included in the farm product receipts effective for a farm product which shall be,

- (i) in the case of a farm product named in subsection 1 of section 2 of the *Agricultural Stabilization Act* (Canada), the moneys paid or payable per unit of farm product under that Act,

R.S.C. 1970,
c. A-9

- (ii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is less than ninety, the moneys that would have been paid or payable per unit of farm product under that Act if the percentage prescribed had been ninety,

- (iii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is ninety or greater, the moneys paid or payable per unit of farm product under that Act, or

- (iv) in the case of a farm product other than those referred to in subclauses i, ii and iii, an amount that, in the opinion of the Commission, represents the amount of money that would have been payable per unit of farm product if the farm product had been designated as an agricultural commodity under the *Agricultural Stabilization Act*

(Canada) and the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act were ninety;

- (*d*) ascertaining and prescribing, from time to time, a base price respecting the farm product to which a plan applies representing the average price thereof at representative markets as determined by the Commission for the five years immediately preceding the year prescribed in the plan;
- (*e*) establishing, from time to time, a stabilization price or prices respecting a farm product to which a plan applies obtained by adjusting 95 per cent of the base price thereof by an index calculated in such manner as the Commission may prescribe in the regulations to reflect the estimated cash-cost of production of the farm product in the year for which the stabilization price or prices are established as compared with the average cash-cost of production for the five years immediately preceding that year;
- (*f*) fixing, from time to time, the fees to be paid by any person enrolled in a plan, and prescribing the times and method of payment;
- (*g*) prescribing the maximum level of production or marketing for which a person enrolled in a plan is eligible to receive payments under the plan;
- (*h*) prescribing the minimum level of production or marketing by a person to be eligible to enrol or continue to be enrolled in a plan;
- (*i*) prescribing, in respect of a farm product to which a plan applies, the proportion of gross income derived from farming that a person is required to have to be eligible to enrol or continue to be enrolled in the plan;
- (*j*) prescribing terms and conditions to be complied with by applicants for enrolment in a plan;
- (*k*) prescribing the length of the term of enrolment and conditions of enrolment to be complied with by persons enrolled in a plan;
- (*l*) requiring applicants for enrolment in a plan or any person enrolled in a plan to furnish such

information, statements or reports as the Commission from time to time requires;

- (m) prescribing the time or times at which applications for enrolment in a plan may be made;
- (n) prescribing the terms and conditions under which a person enrolled in a plan may withdraw from participation in the plan;
- (o) providing for the adjustment of fees payable by any person enrolled in a plan or the adjustment of payments thereto, where the amount of farm product for which fees were paid varies from the amount otherwise eligible for payment or where the person receives moneys respecting the farm product that are not taken into account in calculating the farm product receipts prescribed for the farm product;
- (p) prescribing the time or times at which payments shall be made under subsection 4;
- (q) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) No person who is not ordinarily a resident of Ontario is eligible to enrol in a plan. Eligibility
for
enrolment

(3) The Commission shall fix fees to be paid by a person enrolled in a plan at a level that, in its opinion, will return one-third of the amount necessary to maintain the Fund in respect of the farm product for which fees are fixed over the length of the term of enrolment prescribed in the plan. Level at
which fees
to be fixed

(4) Where, under a plan, the stabilization price exceeds the farm product receipts, the Commission, subject to the regulations, shall, at the time or times prescribed in the regulations, pay to those persons enrolled in the plan the difference between the stabilization price and the farm product receipts respecting any farm product under the plan marketed by such persons. Payment
to persons
enrolled
in plan

(5) Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the Commission, and which may be prescribed in the regulations, the stabilization price, for Stabilization
price deemed
to be equal
to cost of
production
figure

the purposes of subsection 4, shall be deemed to be equal to that cost of production figure.

Negotiation 7.—(1) The Commission shall, respecting any proposed plan or proposed amendments to a plan, negotiate with,

R.S.O. 1970,
cc. 162, 273

(a) any local board under *The Farm Products Marketing Act* or marketing board under *The Milk Act* affected thereby;

(b) the Christian Farmers Federation;

(c) the National Farmers Union;

(d) the Ontario Federation of Agriculture; and

(e) such other organizations or groups of producers as the Commission considers proper.

Powers under
s. 6 not
affected by
failure to
negotiate

(2) The failure or refusal to negotiate or continue negotiation by any of the organizations referred to in clauses *a*, *b*, *c*, *d* and *e* of subsection 1 does not affect the exercise by the Commission or the Lieutenant Governor in Council of the powers contained in section 6.

Refusal
of payment
after
hearing

8.—(1) The Commission may, after a hearing, cancel the enrolment of any person enrolled in a plan where the Commission finds that he or any other person under his control, in his employ or associated with him in producing the farm product for which he is enrolled, has,

(a) contravened subsection 8 of section 4;

(b) knowingly supplied the Commission with information respecting such farm product that is false or calculated to mislead and that may affect payments to him under the plan; or

(c) ceased to be qualified to be enrolled in the plan,

and may make such order as to repayment of the whole or any part of fees paid or the payment of any benefits that might otherwise accrue under this Act as the Commission considers just and proper.

1971, c. 47,
applies

(2) *The Statutory Powers Procedure Act, 1971* applies to a hearing held under subsection 1.

Person
deemed
to have
withdrawn
from
enrolment

(3) Where a person who has been enrolled in a plan fails to pay fees in the amount and manner prescribed

in the regulations, he shall be deemed to have withdrawn from enrolment.

(4) Where a person who was enrolled in a plan has withdrawn or is deemed to have withdrawn from enrolment in the plan or has had his enrolment cancelled, the Commission, subject to the regulations, may at any time enrol or refuse to enrol that person in that or any other plan.

9.—(1) All fees fixed in respect of a plan shall be paid to the Commission.

Enrolment
or refusal
of enrolment

Fees to be
paid to
Commission

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission such amounts out of the moneys appropriated therefor by the Legislature as the Lieutenant Governor in Council may determine.

Payment to
Commission

10.—(1) The Commission shall establish and maintain in a chartered bank or the Province of Ontario Savings Office a fund to be known as the "Ontario Farm Income Stabilization Fund", to which shall be credited the moneys received by the Commission under sections 9 and 11.

Ontario
Farm Income
Stabilization
Fund

(2) The Commission shall maintain separate books of account respecting each farm product to which a plan applies.

Books of
account

(3) The Commission shall pay out of the Fund all moneys required for,

Payments
out of
Fund

(a) the payment of moneys under any plan; and

(b) the repayment of loans made under section 11.

11. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Commission and may acquire and hold as evidence thereof bonds, debentures or notes or other evidences of indebtedness of the Commission.

Loans to
Commission

12. The Commission shall, at the discretion of the Treasurer of Ontario, pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission and section 16 of *The Financial Administration Act* applies thereto.

Surplus

R.S.O. 1970.
c. 166

Moneys	13. —(1) The moneys required for the purpose of defraying the operating expenses of the Commission shall be paid out of moneys appropriated by the Legislature for that purpose.
Idem	(2) Notwithstanding subsection 1, the moneys required for the purposes of this Act shall, from the date of the coming into force of this Act until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
Audit	14. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister.
Annual report	15. —(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.
Tabling	(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.
Agreements with Government of Canada	16. The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada to further the carrying out of the intent and purpose of this Act.
Commencement	17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	18. This Act may be cited as <i>The Farm Income Stabilization Act, 1976</i> .







An Act respecting
Farm Income Stabilization

1st Reading

October 26th, 1976

2nd Reading

November 25th, 1976

3rd Reading

December 14th, 1976

THE HON. W. NEWMAN
Minister of Agriculture and Food

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Coroners Act, 1972

THE HON. JOHN P. MACBETH
Solicitor General

EXPLANATORY NOTE

SECTION 1.—Subsection 1. Subsection 2 of section 9 of the Act now provides, in part, as follows:

(2) *Where a person dies while resident or an in-patient in,*

(h) a nursing home to which The Nursing Homes Act, 1972 applies;

the person in charge of the hospital, institution or home shall immediately give notice of the death to a coroner, and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body.

The reporting and investigation of a death in a nursing home will no longer be mandatory. Such reporting and investigation will be mandatory in the case of a death in a facility designated under *The Developmental Services Act, 1974*.

Subsection 2. Complementary to subsection 1.

BILL 132

1976

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *h* of subsection 2 of section 9 of *The Coroners Act*, <sup>s. 9 (2) (*h*),
re-enacted</sup> 1972, being chapter 98, is repealed and the following substituted therefor:

(*h*) a facility designated under *The Developmental Services Act*, 1974.
- (2) Subsection 2 of the said section 9 is amended by inserting <sup>s. 9 (2),
amended</sup> after "hospital" in the twenty-second line "facility".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Coroners Amendment Act, 1976*. ^{Short title}

BILL 132

An Act to amend
The Coroners Act, 1972

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. JOHN P. MACBETH
Solicitor General

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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EXPLANATORY NOTES

GENERAL

The amendments proposed in the Bill will delay for one year, until 1977, the return of assessment at full market value throughout Ontario. This delay will preserve current levels of assessment and existing procedures under *The Assessment Act* during the time the Property Tax Reform Commission is holding hearings and preparing its report on the Treasurer's 1976 Budget proposals with respect to property tax reform in Ontario. The delay will also allow time for a response to the Commission's report by any interested parties, and for the preparation of legislation based on the Commission's report and the response to it.

SECTION 1. The re-enactment of section 86 adds clause *c* to the section and adds a reference to the year 1976 in the proviso to the section. Otherwise, the section remains the same, and the amendments ensure that the levels of assessment in 1976 for taxation in 1977 will not change from the assessments made in 1975.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 86 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 25, is repealed and the following substituted therefor: ^{s. 86, re-enacted}

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act, ^{Roll to be returned in 1974, 1975 and 1976}

- (a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974;
- (b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975; and
- (c) the assessment roll of a municipality to be returned in the year 1976 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1975 for taxation in the year 1976 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1976,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975 or 1976 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 95,
re-enacted

- 2.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 3 and 1974, chapter 41, section 30, is repealed and the following substituted therefor:

Idem

95. Section 90 ceases to be in force on the 20th day of December, 1977, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1977.

s. 96 (1),
amended

- 3.—**(1) Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 31, is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

s. 96 (2),
amended

- (2) Subsection 2 of the said section 96 is amended by striking out "1977" in the second line and inserting in lieu thereof "1978".

Commence-
ment

- 4.—**(1) This Act, except subsection 1 of section 3, comes into force on the 1st day of December, 1976.

Idem

- (2) Subsection 1 of section 3 shall be deemed to have come into force on the 1st day of January, 1976.

Short title

- 5.** This Act may be cited as *The Assessment Amendment Act, 1976*.

SECTIONS 2 AND 3. The amendments are consequential on the changes made by section 1 of the Bill.

Sections 95 and 96 as they presently appear are set out below:

95. *Section 90 ceases to be in force on the 21st day of December, 1976, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1976.*
- 96.—(1) *Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976.*
- (2) *Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977.*





An Act to amend
The Assessment Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

BILL 133

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue

THE

OF THE

THE

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 86 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 25, is repealed and the following substituted therefor: s. 86,
re-enacted

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act, Roll to be
returned
in 1974,
1975 and
1976

- (a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974;
- (b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975; and
- (c) the assessment roll of a municipality to be returned in the year 1976 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1975 for taxation in the year 1976 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1976,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975 or 1976 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 95,
re-enacted

- 2.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 3 and 1974, chapter 41, section 30, is repealed and the following substituted therefor:

Idem

95. Section 90 ceases to be in force on the 20th day of December, 1977, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1977.

s. 96 (1),
amended

- 3.—**(1) Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 31, is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

s. 96 (2),
amended

- (2) Subsection 2 of the said section 96 is amended by striking out "1977" in the second line and inserting in lieu thereof "1978".

Commence-
ment

- 4.—**(1) This Act, except subsection 1 of section 3, comes into force on the 1st day of December, 1976.

Idem

- (2) Subsection 1 of section 3 shall be deemed to have come into force on the 1st day of January, 1976.

Short title

- 5.** This Act may be cited as *The Assessment Amendment Act, 1976*.







An Act to amend
The Assessment Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 2nd, 1976

THE HON. A. K. MEEN
Minister of Revenue

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Gift Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendments proposed in this section are designed to bring definitions now in the Act into conformity with the definitions of child and common law wife contained in proposals made in *The Succession Law Reform Act, 1976* (Bill 85 now before the Legislature). The definitions do not literally correspond with those contained in Bill 85 because of the differences in purpose between that Bill and *The Gift Tax Act, 1972*, and because the expressions are differently defined in different parts of Bill 85.

Paragraphs 5 and 24 of section 1 of *The Gift Tax Act, 1972* presently read as follows:

5. "*common law wife*" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "*common law husband*" has a corresponding meaning;

24. "*spouse*" includes a common law wife or common law husband.

An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Gift Tax Act, 1972*, being chapter 12, ^{s. 1, amended} as amended by the Statutes of Ontario, 1973, chapter 165, section 1, is further amended by adding thereto the following paragraph:

4a. "child" means a natural child born within or outside marriage, subject to section 83 of *The Child Welfare Act* (which relates to the effect of adoption), ^{R.S.O. 1970, c. 64} and includes,

(i) a stepchild, and

(ii) a person who is treated as a member of the family of a person who is not his natural parent and who is not being treated as a member of the family of either of his natural parents or of parents by whom he has been legally adopted,

but "child" does not include a foster child placed in the home of a person not the natural parent of that foster child pursuant to an agreement with a public agency.

- (2) Paragraph 5 of the said section 1 is repealed and the ^{s. 1, par. 5, re-enacted} following substituted therefor:

5. "common law spouse" means either of a man and a woman who, not being married to each other,

i. are living together as husband and wife and have so lived together for a continuous period of not less than two years prior to any time at which the determination of their relationship is relevant for the purposes of this Act, or

- ii. are living together as husband and wife in a relationship of some permanence where there is a person living with them who is their child.

s. 1, par. 24,
re-enacted

- (3) Paragraph 24 of the said section 1 is repealed and the following substituted therefor:

24. "spouse" includes a common law spouse.

s. 2 (1) (a),
re-enacted

2. Clause *a* of subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

- (a) persons are connected by blood relationship if one is a lineal descendant of the other or if one is the brother or sister of the other, and in determining any such descent or relationship, a person who is a child for the purposes of this Act shall be deemed to be legitimately born of the person or persons of whom he is a child for the purposes of this Act.

s. 10 (1),
amended

3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 2, 1975, chapter 15, section 1 and 1976, chapter 11, section 1, is further amended by adding thereto the following clause:

- (ga) the value of any beneficial interest given by a donor to his spouse by way of a gift made by the creation of a settlement or the transfer of property to a trust, if such settlement or trust,

- (i) is made in writing,

- (ii) contains no provision by which any part of the settlement or trust can be revoked, altered or amended in any way by any person,

- (iii) provides that, during the lifetime of the donor's spouse, all property or benefits received by the trustee or trustees as income of, or determined by the trustee or trustees to be income of, such settlement or trust shall be held for or paid to only the donor's spouse or such spouse's executors or administrators, and

- (iv) immediately, absolutely and indefeasibly vests the whole beneficial interest given by the donor only in persons who are alive at the time of the gift and whose interest under

SECTION 2. The re-enactment of clause *a* is consequential on the definitions proposed in the amendments in section 1 of the Bill. The provisions of the Act that are to be replaced by this amendment read:

2.—(1) *For the purposes of this Act,*

(a) *persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;*

SECTION 3. The amendment will enable a donor to give to his spouse gifts exempt from tax by way of a trust or settlement. The Act presently denies exemption where a gift is made to a spouse by way of the creation of a settlement or the transfer of property to a trust. The exemption proposed in the amendment applies only to the value of the interest given to the spouse and only if the trust or settlement is in writing, is irrevocable, provides that all of the income earned by the trust during the lifetime of the spouse will belong to the spouse, and does not create interests in the property given in favour of unborn persons or persons whose interest is not absolutely vested in them. The value of any interest given to the beneficiary of a trust, other than the donor's spouse will be liable to tax after making the deductions provided for in section 11 of the Act.

SECTION 4. The subsection proposed to be added by the amendment will make the property in Ontario of those who receive gifts from a donor in Ontario but are not resident in Ontario liable to tax if the donor, on whom the primary liability for tax is imposed by the Act, does not pay the tax. The previous six subsections of section 34 impose a secondary liability for tax personally upon donees who are resident in Ontario at the time a gift is made to them. The new subsection, within the limits constitutionally imposed on the Province, extends the liability with respect to donees resident outside the Province, but the liability arises only where such donees have property within the Province.

SECTION 5. The re-enactment of subsection 1 of section 47 extends the lien now conferred by that subsection to real property in Ontario that belongs to a donee who is not resident in Ontario and whose property is, by the amendment proposed in section 4 of this Bill, made liable to tax that the donor fails to pay. In addition, the wording of the proposed subsection has been changed to make it accord more precisely with the practice and procedure in Ontario. The new subsection 1a is intended to provide a method of realizing upon the lien created by subsection 1.

Section 47 (1) of the Act, before the amendments proposed here, reads as follows:

47.—(1) *Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.*

such settlement or trust cannot thereafter be altered by the exercise of any discretion, or be divested by the occurrence of any event, provided for in such settlement or trust.

4. Section 34 of the said Act, as amended by the Statutes of ^{s. 34, amended} Ontario, 1975, chapter 15, section 4, is further amended by adding thereto the following subsection:

(7) Notwithstanding subsection 1, where a donor fails to ^{Non-resident donees} pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts made by him in a year to a donee who is not a resident of Ontario at the time the gift was made, the property of such donee that is situate in Ontario at the time the gift was made, including any property in Ontario comprised in the gift to such donee, is liable for the payment to the Treasurer of Ontario of the same amount of tax as would be payable by the donee in accordance with this section if he were a resident of Ontario at the time the gift was made to him.

5. Subsection 1 of section 47 of the said Act is repealed and the ^{s. 47 (1), re-enacted} following substituted therefor:

(1) Where tax, interest or penalties are payable by any ^{Lien on real property} person under this Act, or where any property is liable for the payment of any tax, interest or penalties payable under this Act, the Minister may file or cause to be filed in the proper land registry office a certificate of lien in prescribed form against real property belonging to such person, or against any real property liable for the payment of any tax, interest or penalties payable under this Act, and setting out a description of the real property and the amount of tax, interest or penalties for which such person or property is liable, and upon the certificate's being filed, the real property described therein is, to the extent of the interest therein of any person liable to pay any tax, interest or penalties under this Act or whose property in Ontario is liable for the payment thereof, subject to a lien in favour of the Crown for the amount owing, and such lien has priority over all interests in such real property, except interests and encumbrances filed prior to the registration of the certificate and entitled to priority over the Crown.

(1a) Upon the filing of the certificate referred to in ^{Enforcement of lien} subsection 1, the Minister may deliver to the sheriff of the county or district where the real property against which the certificate has been filed is situated a warrant of execution issued by or on behalf of the Minister for the amount claimed in the certificate, together with interest accruing thereon

under this Act and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown and shall entitle the Crown to payment in accordance with the priorities and preferences attaching to or resulting from the lien arising under subsection 1.

Commence-
ment

6.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on a day, not earlier than the 1st day of January, 1977, to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 3 comes into force on the 1st day of January, 1977.

Short title

7. This Act may be cited as *The Gift Tax Amendment Act, 1976* (No. 2).







An Act to amend
The Gift Tax Act, 1972

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario Wine**

THE HON. S. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

The Bill authorizes the sale, in Ontario, of wine which is manufactured from imported grapes or blended with imported wine provided the wine sold is manufactured in accordance with the quotas, terms and conditions prescribed by the regulations. The authorization to sell the wine so manufactured expires on the 31st day of December, 1981.

The Lieutenant Governor in Council has the authority to make regulations setting quotas of imported grapes or wines to be allowed, as well as prescribing proportions to be used and terms and conditions in respect of quotas.

A contravention of the Act is deemed to be a contravention of section 4 (1) of *The Liquor Licence Act, 1975* which reads as follows:

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

BILL 135

1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provision of *The Liquor Licence Act, 1975* and *The Liquor Control Act, 1975* and the regulations made thereunder, the Lieutenant Governor in Council may make regulations, Regulations for use of non-Ontario grapes and wine 1975, cc. 40, 27

- (a) fixing for each manufacturer licensed under *The Liquor Licence Act, 1975* a quota of grapes grown out of Ontario or the equivalent thereof in imported wine that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction;
- (c) prescribing the proportions in which grapes grown out of Ontario or the equivalent thereof in imported wine may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A manufacturer licensed under *The Liquor Licence Act, 1975* shall not, after the 31st day of December, 1981, introduce into the manufacture of wine any part of the quota of grapes or imported wine fixed under clause *a* of subsection 1. Time limit used in manufacture

2. Notwithstanding any provision of *The Liquor Licence Act, 1975*, a manufacturer of Ontario wine licensed under *The Liquor Licence Act, 1975* may, Sale of wine permitted

(a) keep for sale and sell to the Liquor Control Board;
and

(b) keep for sale and sell under the supervision and
control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes grown out of Ontario or imported wines.

Offence

3. Any contravention of this Act or the regulations thereunder shall be deemed to be a contravention of subsection 1 of section 4 of *The Liquor Licence Act, 1975*.

Application
of 1975,
cc. 27, 40

4. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act, 1975* and *The Liquor Licence Act, 1975* and the regulations thereunder, except as specifically provided herein.

1972, c. 171,
repealed

5. *The Wine Content Act, 1972*, being chapter 171, is repealed.

Commence-
ment

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Wine Content Act, 1976*.







An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario
Wine

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. S. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario Wine**

THE HON. S. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill authorizes the sale, in Ontario, of wine which is manufactured from imported grapes or blended with imported wine provided the wine sold is manufactured in accordance with the quotas, terms and conditions prescribed by the regulations. The authorization to sell the wine so manufactured is limited to wines manufactured prior to the 1st day of January, 1982.

The Lieutenant Governor in Council has the authority to make regulations setting quotas of imported grapes or wines to be allowed, as well as prescribing proportions to be used and terms and conditions in respect of quotas.

A contravention of the Act is deemed to be a contravention of section 4 (1) of *The Liquor Licence Act, 1975* which reads as follows:

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

BILL 135

1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provision of *The Liquor Licence Act, 1975* and *The Liquor Control Act, 1975* and the regulations made thereunder, the Lieutenant Governor in Council may make regulations, Regulations for use of non-Ontario grapes and wine 1975, cc. 40, 27

- (a) fixing for each manufacturer licensed under *The Liquor Licence Act, 1975* a quota of grapes grown out of Ontario or the equivalent thereof in imported wine that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction;
- (c) prescribing the proportions in which grapes grown out of Ontario or the equivalent thereof in imported wine may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A manufacturer licensed under *The Liquor Licence Act, 1975* shall not, after the 31st day of December, 1981, introduce into the manufacture of wine any part of the quota of grapes or imported wine fixed under clause *a* of subsection 1. Time limit used in manufacture

2. Notwithstanding any provision of *The Liquor Licence Act, 1975*, a manufacturer of Ontario wine licensed under *The Liquor Licence Act, 1975* may, Sale of wine permitted

(a) keep for sale and sell to the Liquor Control Board;
and

(b) keep for sale and sell under the supervision and
control of the Liquor Control Board,

wine manufactured in accordance with this Act and the
regulations by the combination of grapes grown in Ontario,
or the concentrates thereof, with grapes grown out of
Ontario or imported wines.

Offence

3. Any contravention of this Act or the regulations
thereunder shall be deemed to be a contravention of
subsection 1 of section 4 of *The Liquor Licence Act, 1975*.

Application
of 1975,
cc. 27, 40

4. Nothing in this Act shall be construed so as to limit
the application of *The Liquor Control Act, 1975* and *The
Liquor Licence Act, 1975* and the regulations thereunder,
except as specifically provided herein.

Purpose
of Act

5. The purpose of this Act is to permit the introduction
of grapes grown outside Ontario and imported wine into
wine manufactured in Ontario without reducing the use of
Ontario grapes in the content.

1972, c. 171,
repealed

6. *The Wine Content Act, 1972*, being chapter 171, is
repealed.

Commence-
ment

7. This Act comes into force on a day to be named by
proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Wine Content Act, 1976*.







An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario
Wine

1st Reading

October 26th, 1976

2nd Reading

December 14th, 1976

3rd Reading

THE HON. S. HANDLEMAN
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 135

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine

THE HON. S. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 135

1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provision of *The Liquor Licence Act, 1975* and *The Liquor Control Act, 1975* and the regulations made thereunder, the Lieutenant Governor in Council may make regulations, Regulations
for use of
non-Ontario
grapes
and wine
1975, cc. 40, 27

- (a) fixing for each manufacturer licensed under *The Liquor Licence Act, 1975* a quota of grapes grown out of Ontario or the equivalent thereof in imported wine that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction;
- (c) prescribing the proportions in which grapes grown out of Ontario or the equivalent thereof in imported wine may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A manufacturer licensed under *The Liquor Licence Act, 1975* shall not, after the 31st day of December, 1981, introduce into the manufacture of wine any part of the quota of grapes or imported wine fixed under clause *a* of subsection 1. Time limit
used in
manufacture

2. Notwithstanding any provision of *The Liquor Licence Act, 1975*, a manufacturer of Ontario wine licensed under *The Liquor Licence Act, 1975* may, Sale of
wine
permitted

- (a) keep for sale and sell to the Liquor Control Board;
and
- (b) keep for sale and sell under the supervision and
control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes grown out of Ontario or imported wines.

Offence

3. Any contravention of this Act or the regulations thereunder shall be deemed to be a contravention of subsection 1 of section 4 of *The Liquor Licence Act, 1975*.

Application
of 1975,
cc. 27, 40

4. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act, 1975* and *The Liquor Licence Act, 1975* and the regulations thereunder, except as specifically provided herein.

Purpose
of Act

5. The purpose of this Act is to permit the introduction of grapes grown outside Ontario and imported wine into wine manufactured in Ontario without reducing the use of Ontario grapes in the content.

1972, c. 171,
repealed

6. *The Wine Content Act, 1972*, being chapter 171, is repealed.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Wine Content Act, 1976*.







An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario
Wine

1st Reading

October 26th, 1976

2nd Reading

December 14th, 1976

3rd Reading

December 16th, 1976

THE HON. S. HANDLEMAN
Minister of Consumer and
Commercial Relations

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Corporations Information Act, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

The Bill revises *The Corporations Information Act, 1971*.

The principal changes are:

1. The annual returns are abolished and a new return is required only where the information has changed.
2. The information required to be maintained is revised and simplified for the basic purpose of showing the officers and directors and address for service of legal processes.
3. The registration of a name or style other than the corporate name is retained but where used in business transactions must be accompanied by the corporate name.

BILL 136

1976

The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (d) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (e) "Ministry" means the Ministry of the Minister;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act. 1971, c. 27, s. 1; 1972, c. 1, s. 37, *amended*.

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Registration
of business
names

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any. 1971, c. 27, s. 2 (1, 2).

Form of name

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated", "Corporation" or "Co-operative" or its corresponding abbreviation "Ltd.", "Inc.", "Corp." or "Co-op." or the corresponding version in another language, as the last word thereof.

Use of corporate name

(4) Notwithstanding subsection 1, a corporation shall set out its corporate name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation. *New.*

Rights to name

(5) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration and renewal
1971, c. 27

(6) Every registration made under this section or the predecessor of this section in *The Corporations Information Act, 1971*, expires five years after the registration, unless sooner withdrawn by the corporation, subject to renewal for a further period of five years from time to time. 1971, c. 27, s. 2 (3, 4), *amended.*

Filing of initial notice

3.—(1) Subject to section 4, within sixty days of the later of the date upon which this section comes into force, the date of its amalgamation, incorporation, or continuation, or of the date of establishing its head or other office or carrying on any business activity or service or a part thereof in Ontario, every corporation, unless of a class exempted by the regulations, shall make out, verify and file with the Minister an initial notice setting out as of the date of filing,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated;
- (d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (e) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager, or the holders of any equivalent offices, and the date on which each became an officer;
- (f) the location of its head office and, if different from the head office, the principal place of business in Ontario, giving street and number, if any, in each case. 1971, c. 27, s. 3 (1), *part*; 1972, c. 139, s. 1 (1), *amended*.

(2) Where a corporation has filed the latest annual return required under *The Corporations Information Act, 1971* before this section comes into force, the annual return together with any notice of change filed shall be deemed to be the initial notice required by subsection 1. *New*.

Continuation
of previous
filing
1971, c. 27

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4, whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place. 1971, c. 27, s. 3 (5), *amended*.

Notice of
change

(4) Every notice filed under subsection 1 or 3 shall be verified by the certificate of an officer or director of the corporation or other individual person having knowledge of the affairs of the corporation. 1971, c. 27, s. 3 (3), *amended*.

Verification

(5) A corporation that holds a licence under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. 1971, c. 27, s. 3 (2).

Carrying on
business
R.S.O. 1970,
c. 280

(6) The corporation shall retain a duplicate of all notices submitted under this Act and shall maintain a copy or

Availability
of copy at
head office

copies available for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. 1971, c. 27, s. 3 (4), *amended*.

Extra-
provincial
corporations
R.S.O. 1970,
c. 89

4.—(1) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, an extra-provincial corporation holding a licence issued under Part IX of *The Corporations Act* shall file the following information only,

- (a) the name and office address of its attorney for service in Ontario;
- (b) the name and office address of its chief officer or manager in Ontario;
- (c) the location of its principal office in Ontario. 1971, c. 27, s. 3 (1), *part*.

Other
corporations

(2) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, a corporation incorporated, continued or amalgamated by or under the authority of an Act of the Parliament of Canada or a corporation prescribed by the regulations shall file the following information only,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated. *New*.

Further
notice on
request

5. The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within thirty days after receipt of the notice a notice upon any or all of the matters contained in section 3 or 4. *New*.

Date of
receipt

6. The Minister shall cause every notice received in his office under this Act to be endorsed with a memorandum of the date of its receipt and to be recorded. *New*.

Examination
by public

7.—(1) Upon payment of the prescribed fee, any person is entitled to examine the record of any document filed under section 2, 3, 4 or 5 or any predecessor thereof, and to make extracts therefrom.

Furnishing
copies

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of the contents of

any document filed with him under section 2, 3, 4 or 5 or any predecessor thereof. 1971, c. 27, s. 4.

8.—(1) The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act*, *The Corporations Act* or *The Co-operative Corporations Act*, 1973. Information required by Minister
R.S.O. 1970, cc. 53, 89
1973, c. 101

(2) The Minister or any employee of the Ministry shall not disclose any information contained in a return made under subsection 1 except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act*, *The Corporations Act* or *The Co-operative Corporations Act*, 1973 or where disclosure is required by a court for the purposes of an action, prosecution or other proceeding. 1971, c. 27, s. 5, *amended*. Confidentiality

9. The Minister, with the approval of the Lieutenant Governor in Council, may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry. 1971, c. 27, s. 6. Delegation by Minister

10.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or, if such person is a corporation, to a fine of not more than \$25,000. Offence

(2) No person is guilty of an offence under subsection 1 if he did not know the statement was false or misleading and, in the exercise of reasonable diligence, could not have known that the statement was false or misleading. Knowledge as element of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and, on summary conviction, is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 1971, c. 27, s. 7. Responsibility of directors and officers

General
offence

11.—(1) Every person who,

(a) contravenes this Act or the regulations;

or

(b) fails to observe or comply with any order, direction, or other requirement made under this Act or the regulations,

is, except where such conduct constitutes an offence under section 10, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$25,000.

Respon-
sibility of
directors and
officers

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of the corporation, and, where the corporation is an extra-provincial corporation, every person acting as his representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1971, c. 27, s. 8.

Consent to
prosecute

12.—(1) No proceedings under section 10 or 11 shall be commenced except with the consent of or under the direction of the Minister.

Limitation

(2) No proceedings under section 10 or 11 shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. 1971, c. 27, s. 9, *amended*.

Order for
compliance

13. Where it appears to the Minister or to any shareholder, member, creditor, director or officer of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation or any director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or requirement and upon such application the court may make such order, or such other order as the court thinks fit. 1971, c. 27, s. 10, *amended*.

Disability to
sue when in
default

14.—(1) Where a corporation has failed to file a notice or register a name or style as required by this Act, the corporation is not capable of maintaining any action or other

proceeding in any court in Ontario in respect of any contract made by the corporation.

(2) Where a notice is filed or a name or style is registered, Subsequent filing as the case may be, after an action or proceeding is commenced by the corporation, the action or proceeding may be continued as if a notice had been filed or the name or style had been registered in accordance with this Act prior to the institution of the action or proceeding. *New.*

15. The Minister may issue a certificate certifying, Certificate of Minister

- (a) as to the registration or non-registration of a name or style under section 2;
- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as a director, officer, manager or attorney for service of the corporation named in the certificate. 1971, c. 27, s. 11.

16.—(1) Where this Act requires or authorizes the Minister Execution of certificate of Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations.

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, shall be received in evidence in any action, prosecution or other proceedings as *prima facie* proof of the facts so certified without personal appearance to prove the seal, the signature or the official position of the person appearing to have signed the certificate. 1971, c. 27, s. 11, *amended*. Certificates as evidence

17. The Minister may accept the information contained Duty of Minister in any notice filed under this Act without making any inquiry as to its completeness or accuracy. *New.*

18. The Lieutenant Governor in Council may make regu- Regulations lations,

- (a) exempting any class or classes of corporations from filing notices under section 3 or 4;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (d) designating officers of the Ministry who may sign certificates for the purposes of section 16;
- (e) respecting the form, period of retention, and destruction of any document required to be filed under this Act or a predecessor thereof. 1971, c. 27, s. 17; 1972, c. 139, s. 2, *amended*.

1971, c. 27,
1972, c. 139,
repealed

19. *The Corporations Information Act, 1971*, being chapter 27, and *The Corporations Information Amendment Act, 1972*, being chapter 139, are repealed.

Commence-
ment

20.—(1) This Act, except subsection 4 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 2 comes into force on the 1st day of July, 1977.

Short title

21. This Act may be cited as *The Corporations Information Act, 1976*.



The Corporations Information Act, 1976

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Corporations Information Act, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill revises *The Corporations Information Act, 1971*.

The principal changes are:

1. The annual returns are abolished and a new return is required only where the information has changed.
2. The information required to be maintained is revised and simplified for the basic purpose of showing the officers and directors and address for service of legal processes.
3. The registration of a name or style other than the corporate name is retained but where used in business transactions must be accompanied by the corporate name.

The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (d) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (e) "Ministry" means the Ministry of the Minister;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act. 1971, c. 27, s. 1; 1972, c. 1, s. 37, *amended*.

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Registration
of business
names

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any. 1971, c. 27, s. 2 (1, 2).

Form of name

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated", "Corporation" or "Co-operative" or its corresponding abbreviation "Ltd.", "Inc.", "Corp." or "Co-op." or the corresponding version in another language, as the last word thereof.

Use of corporate name

(4) Notwithstanding subsection 1, a corporation shall set out its corporate name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation. *New.*

Rights to name

(5) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration and renewal
1971, c. 27

(6) Every registration made under this section or the predecessor of this section in *The Corporations Information Act, 1971*, expires five years after the registration, unless sooner withdrawn by the corporation, subject to renewal for a further period of five years from time to time. 1971, c. 27, s. 2 (3, 4), *amended*.

Filing of initial notice

3.—(1) Subject to section 4, within sixty days of the later of the date upon which this section comes into force, the date of its amalgamation, incorporation, or continuation, or of the date of establishing its head or other office or carrying on any business activity or service or a part thereof in Ontario, every corporation, unless of a class exempted by the regulations, shall make out, verify and file with the Minister an initial notice setting out as of the date of filing,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated;
- (d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,
 - (i) each director is a resident Canadian, and
 - (ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act*, 1972, c. 143, 1972, and, if so, the name of such related corporation and the jurisdiction of its incorporation;
- (e) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager, or the holders of any equivalent offices, and the date on which each became an officer;
- (f) the location of its head office and, if different from the head office, the principal place of business in Ontario, giving street and number, if any, in each case. 1971, c. 27, s. 3 (1), *part*; 1972, c. 139, s. 1 (1), *amended*.

(2) Where a corporation has filed the latest annual return required under *The Corporations Information Act*, 1971 before this section comes into force, the annual return together with any notice of change filed shall be deemed to be the initial notice required by subsection 1. *New*.

Continuation
of previous
filing
1971, c. 27

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4, whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place. 1971, c. 27, s. 3 (5), *amended*.

Notice of
change

Verification (4) Every notice filed under subsection 1 or 3 shall be verified by the certificate of an officer or director of the corporation or other individual person having knowledge of the affairs of the corporation. 1971, c. 27, s. 3 (3), *amended*.

Carrying on business
R.S.O. 1970,
c. 280 (5) A corporation that holds a licence under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. 1971, c. 27, s. 3 (2).

Availability
of copy at
head office (6) The corporation shall retain a duplicate of all notices submitted under this Act and shall maintain a copy or copies available for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. 1971, c. 27, s. 3 (4), *amended*.

Extra-
provincial
corporations
R.S.O. 1970,
c. 89 4.—(1) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, an extra-provincial corporation holding a licence issued under Part IX of *The Corporations Act* shall file the following information only,

- (a) the name and office address of its attorney for service in Ontario;
- (b) the name and office address of its chief officer or manager in Ontario;
- (c) the location of its principal office in Ontario. 1971, c. 27, s. 3 (1), *part*.

Other
corporations (2) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, a corporation incorporated, continued or amalgamated by or under the authority of an Act of the Parliament of Canada or a corporation prescribed by the regulations shall file the following information only,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated. *New*.

Further
notice on
request 5. The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within thirty days after receipt of the notice a notice upon any or all of the matters contained in section 3 or 4. *New*.

6. The Minister shall cause every notice received in his office under this Act to be endorsed with a memorandum of the date of its receipt and to be recorded. *New.*

Date of receipt

7.—(1) Upon payment of the prescribed fee, any person is entitled to examine the record of any document filed under section 2, 3, 4 or 5 or any predecessor thereof, and to make extracts therefrom.

Examination by public

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of the contents of any document filed with him under section 2, 3, 4 or 5 or any predecessor thereof. 1971, c. 27, s. 4.

Furnishing copies

8.—(1) The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, The Corporations Act or The Co-operative Corporations Act, 1973.*

Information required by Minister

R.S.O. 1970, cc. 53, 89
1973, c. 101

(2) The Minister or any employee of the Ministry shall not disclose any information contained in a return made under subsection 1 except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, The Corporations Act or The Co-operative Corporations Act, 1973* or where disclosure is required by a court for the purposes of an action, prosecution or other proceeding. 1971, c. 27, s. 5, *amended.*

Confidentiality

9. The Minister, with the approval of the Lieutenant Governor in Council, may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry. 1971, c. 27, s. 6.

Delegation by Minister

10.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or, if such person is a corporation, to a fine of not more than \$25,000.

Offence

(2) No person is guilty of an offence under subsection 1 if he did not know the statement was false or misleading

Knowledge as element of offence

and, in the exercise of reasonable diligence, could not have known that the statement was false or misleading.

Respon-
sibility of
directors and
officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and, on summary conviction, is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 1971, c. 27, s. 7.

General
offence

11.—(1) Every person who,

(a) contravenes this Act or the regulations;

or

(b) fails to observe or comply with any order, direction, or other requirement made under this Act or the regulations,

is, except where such conduct constitutes an offence under section 10, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$25,000.

Respon-
sibility of
directors and
officers

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of the corporation, and, where the corporation is an extra-provincial corporation, every person acting as his representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1971, c. 27, s. 8.

Consent to
prosecute

12.—(1) No proceedings under section 10 or 11 shall be commenced except with the consent of or under the direction of the Minister.

Limitation

(2) No proceedings under section 10 or 11 shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. 1971, c. 27, s. 9, *amended*.

Order for
compliance

13. Where it appears to the Minister or to any shareholder, member, creditor, director or officer of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order

directing the corporation or any director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or requirement and upon such application the court may make such order, or such other order as the court thinks fit. 1971, c. 27, s. 10, *amended*.

14.—(1) Where a corporation has failed to file a notice or register a name or style as required by this Act, the corporation is not capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made by the corporation. Disability to sue when in default

(2) Where a notice is filed or a name or style is registered, as the case may be, after an action or proceeding is commenced by the corporation, the action or proceeding may be continued as if a notice had been filed or the name or style had been registered in accordance with this Act prior to the institution of the action or proceeding. *New.* Subsequent filing

15. The Minister may issue a certificate certifying, Certificate of Minister

- (a) as to the registration or non-registration of a name or style under section 2;
- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as a director, officer, manager or attorney for service of the corporation named in the certificate. 1971, c. 27, s. 11.

16.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations. Execution of certificate of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, shall be received in evidence in any action, prosecution or other proceedings as Certificates as evidence

prima facie proof of the facts so certified without personal appearance to prove the seal, the signature or the official position of the person appearing to have signed the certificate. 1971, c. 27, s. 11, *amended*.

Duty of Minister

17. The Minister may accept the information contained in any notice filed under this Act without making any inquiry as to its completeness or accuracy. *New*.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class or classes of corporations from filing notices under section 3 or 4;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (d) designating officers of the Ministry who may sign certificates for the purposes of section 16;
- (e) respecting the form, period of retention, and destruction of any document required to be filed under this Act or a predecessor thereof. 1971, c. 27, s. 17; 1972, c. 139, s. 2, *amended*.

1971, c. 27,
1972, c. 139,
repealed

19. *The Corporations Information Act, 1971*, being chapter 27, and *The Corporations Information Amendment Act, 1972*, being chapter 139, are repealed.

**Commence-
ment**

20.—(1) This Act, except subsection 4 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 2 comes into force on the 1st day of July, 1977.

Short title

21. This Act may be cited as *The Corporations Information Act, 1976*.



The Corporations Information Act, 1976

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 136

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Corporations Information Act, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (d) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (e) "Ministry" means the Ministry of the Minister;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act. 1971, c. 27, s. 1; 1972, c. 1, s. 37, *amended*.

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister. Registration
of business
names

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any. 1971, c. 27, s. 2 (1, 2).

Form of name

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated", "Corporation" or "Co-operative" or its corresponding abbreviation "Ltd.", "Inc.", "Corp." or "Co-op." or the corresponding version in another language, as the last word thereof.

Use of corporate name

(4) Notwithstanding subsection 1, a corporation shall set out its corporate name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation. *New.*

Rights to name

(5) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration and renewal
1971, c. 27

(6) Every registration made under this section or the predecessor of this section in *The Corporations Information Act, 1971*, expires five years after the registration, unless sooner withdrawn by the corporation, subject to renewal for a further period of five years from time to time. 1971, c. 27, s. 2 (3, 4), *amended.*

Filing of initial notice

3.—(1) Subject to section 4, within sixty days of the later of the date upon which this section comes into force, the date of its amalgamation, incorporation, or continuation, or of the date of establishing its head or other office or carrying on any business activity or service or a part thereof in Ontario, every corporation, unless of a class exempted by the regulations, shall make out, verify and file with the Minister an initial notice setting out as of the date of filing,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated;
- (d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,
 - (i) each director is a resident Canadian, and
 - (ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act*, 1972, c. 143 1972, and, if so, the name of such related corporation and the jurisdiction of its incorporation;
- (e) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager, or the holders of any equivalent offices, and the date on which each became an officer;
- (f) the location of its head office and, if different from the head office, the principal place of business in Ontario, giving street and number, if any, in each case. 1971, c. 27, s. 3 (1), *part*; 1972, c. 139, s. 1 (1), *amended*.

(2) Where a corporation has filed the latest annual return required under *The Corporations Information Act*, 1971 before this section comes into force, the annual return together with any notice of change filed shall be deemed to be the initial notice required by subsection 1. *New*.

Continuation
of previous
filing
1971, c. 27

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4, whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place. 1971, c. 27, s. 3 (5), *amended*.

Notice of
change

Verification (4) Every notice filed under subsection 1 or 3 shall be verified by the certificate of an officer or director of the corporation or other individual person having knowledge of the affairs of the corporation. 1971, c. 27, s. 3 (3), *amended*.

Carrying on business
R.S.O. 1970,
c. 280 (5) A corporation that holds a licence under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. 1971, c. 27, s. 3 (2).

Availability
of copy at
head office (6) The corporation shall retain a duplicate of all notices submitted under this Act and shall maintain a copy or copies available for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. 1971, c. 27, s. 3 (4), *amended*.

Extra-
provincial
corporations
R.S.O. 1970,
c. 89 4.—(1) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, an extra-provincial corporation holding a licence issued under Part IX of *The Corporations Act* shall file the following information only,

(a) the name and office address of its attorney for service in Ontario;

(b) the name and office address of its chief officer or manager in Ontario;

(c) the location of its principal office in Ontario. 1971, c. 27, s. 3 (1), *part*.

Other
corporations (2) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, a corporation incorporated, continued or amalgamated by or under the authority of an Act of the Parliament of Canada or a corporation prescribed by the regulations shall file the following information only,

(a) the name of the corporation;

(b) the date and manner of its incorporation, continuation or amalgamation;

(c) the jurisdiction under which the corporation was incorporated, continued or amalgamated. *New*.

Further
notice on
request 5. The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within thirty days after receipt of the notice a notice upon any or all of the matters contained in section 3 or 4. *New*.

6. The Minister shall cause every notice received in his office under this Act to be endorsed with a memorandum of the date of its receipt and to be recorded. *New.*

Date of receipt

7.—(1) Upon payment of the prescribed fee, any person is entitled to examine the record of any document filed under section 2, 3, 4 or 5 or any predecessor thereof, and to make extracts therefrom.

Examination by public

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of the contents of any document filed with him under section 2, 3, 4 or 5 or any predecessor thereof. 1971, c. 27, s. 4.

Furnishing copies

8.—(1) The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, The Corporations Act or The Co-operative Corporations Act, 1973.*

Information required by Minister

R.S.O. 1970, cc. 53, 69
1973, c. 101

(2) The Minister or any employee of the Ministry shall not disclose any information contained in a return made under subsection 1 except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, The Corporations Act or The Co-operative Corporations Act, 1973* or where disclosure is required by a court for the purposes of an action, prosecution or other proceeding. 1971, c. 27, s. 5, *amended.*

Confidentiality

9. The Minister, with the approval of the Lieutenant Governor in Council, may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry. 1971, c. 27, s. 6.

Delegation by Minister

10.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or, if such person is a corporation, to a fine of not more than \$25,000.

Offence

(2) No person is guilty of an offence under subsection 1 if he did not know the statement was false or misleading

Knowledge as element of offence

and, in the exercise of reasonable diligence, could not have known that the statement was false or misleading.

Respon-
sibility of
directors and
officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and, on summary conviction, is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 1971, c. 27, s. 7.

General
offence

11.—(1) Every person who,

(a) contravenes this Act or the regulations;

or

(b) fails to observe or comply with any order, direction, or other requirement made under this Act or the regulations,

is, except where such conduct constitutes an offence under section 10, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$25,000.

Respon-
sibility of
directors and
officers

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of the corporation, and, where the corporation is an extra-provincial corporation, every person acting as his representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1971, c. 27, s. 8.

Consent to
prosecute

12.—(1) No proceedings under section 10 or 11 shall be commenced except with the consent of or under the direction of the Minister.

Limitation

(2) No proceedings under section 10 or 11 shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. 1971, c. 27, s. 9, *amended*.

Order for
compliance

13. Where it appears to the Minister or to any shareholder, member, creditor, director or officer of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order

directing the corporation or any director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or requirement and upon such application the court may make such order, or such other order as the court thinks fit. 1971, c. 27, s. 10, *amended*.

14.—(1) Where a corporation has failed to file a notice or register a name or style as required by this Act, the corporation is not capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made by the corporation. Disability to sue when in default

(2) Where a notice is filed or a name or style is registered, as the case may be, after an action or proceeding is commenced by the corporation, the action or proceeding may be continued as if a notice had been filed or the name or style had been registered in accordance with this Act prior to the institution of the action or proceeding. *New.* Subsequent filing

15. The Minister may issue a certificate certifying, Certificate of Minister

- (a) as to the registration or non-registration of a name or style under section 2;
- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as a director, officer, manager or attorney for service of the corporation named in the certificate. 1971, c. 27, s. 11.

16.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations. Execution of certificate of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, shall be received in evidence in any action, prosecution or other proceedings as Certificates as evidence

prima facie proof of the facts so certified without personal appearance to prove the seal, the signature or the official position of the person appearing to have signed the certificate. 1971, c. 27, s. 11, *amended*.

Duty of Minister

17. The Minister may accept the information contained in any notice filed under this Act without making any inquiry as to its completeness or accuracy. *New*.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class or classes of corporations from filing notices under section 3 or 4;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (d) designating officers of the Ministry who may sign certificates for the purposes of section 16;
- (e) respecting the form, period of retention, and destruction of any document required to be filed under this Act or a predecessor thereof. 1971, c. 27, s. 17; 1972, c. 139, s. 2, *amended*.

1971, c. 27,
1972, c. 139,
1972, c. 1, s. 37,
repealed

19. *The Corporations Information Act, 1971*, being chapter 27, *The Corporations Information Amendment Act, 1972*, being chapter 139 and section 37 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed.

**Commence-
ment**

20.—(1) This Act, except subsection 4 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 2 comes into force on the 1st day of July, 1977.

Short title

21. This Act may be cited as *The Corporations Information Act, 1976*.



The Corporations Information Act, 1976

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Business Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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EXPLANATORY NOTE

This Bill is complementary to the Bill to enact *The Corporations Information Act, 1976*.

Default in filing annual returns as grounds for an order dissolving a corporation with share capital is replaced by default in filing corporations' tax returns.

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 251 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 26, section 40 and 1972, chapter 138, section 58, is repealed and the following substituted therefor: s. 251,
re-enacted

251.—(1) Where the Minister is notified by the Minister of Revenue that a corporation is in default in complying with the provisions of *The Corporations Tax Act*, 1972, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation remedies its default within ninety days after the giving of the notice. Notice of
dissolution
1972, c. 143

(2) Where the Minister is notified by the Commission that a corporation has not complied with section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with section 134 of *The Securities Act* within ninety days after the giving of the notice. Idem
R.S.O. 1970,
c. 426

(3) Upon default in compliance with the notice given under subsection 1 or 2, the Minister may by order cancel the certificate of incorporation and, subject to subsection 4, the corporation is dissolved on the date fixed in the order. Order for
dissolution

(4) Where a corporation is dissolved under subsection 3 or any predecessor thereof, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in Revival

his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Business Corporations Amendment Act, 1976*.







An Act to amend
The Business Corporations Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 137

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Business Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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BILL 137

1976

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 251 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 26, section 40 and 1972, chapter 138, section 58, is repealed and the following substituted therefor:

251.—(1) Where the Minister is notified by the Minister of Revenue that a corporation is in default in complying with the provisions of *The Corporations Tax Act*, 1972, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation remedies its default within ninety days after the giving of the notice.

s. 251,
re-enacted

Notice of
dissolution
1972, c. 143

(2) Where the Minister is notified by the Commission that a corporation has not complied with section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with section 134 of *The Securities Act* within ninety days after the giving of the notice.

Idem
R.S.O. 1970,
c. 426

(3) Upon default in compliance with the notice given under subsection 1 or 2, the Minister may by order cancel the certificate of incorporation and, subject to subsection 4, the corporation is dissolved on the date fixed in the order.

Order for
dissolution

(4) Where a corporation is dissolved under subsection 3 or any predecessor thereof, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in

Revival

his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Business Corporations Amendment Act, 1976*.







An Act to amend
The Business Corporations Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

This Bill is complementary to the Bill to enact *The Corporations Information Act, 1976*.

Default in filing annual returns as grounds for an order dissolving a corporation without share capital is replaced by default in providing up-dated information requested by the Minister.

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 9 and 10 of section 347 of *The Corporations Act*, s. 347 (9, 10),
being chapter 89 of the Revised Statutes of Ontario, 1970,
are repealed and the following substituted therefor:

(9) Where it appears that a corporation is in default of Order for
dissolution
1976, c. ... filing with the Minister a notice required under section 5 of *The Corporations Information Act*, 1976 and that notice of such default has been sent by registered mail to the corporation or has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, after 180 days after the notice has been sent or published,

- (a) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order may fix; or
- (b) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order may fix.

(10) Where a corporation has been dissolved under sub- Revival
section 9 or any predecessor thereof, the Lieutenant Governor, on the application of any interested person made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Amendment Act, 1976*.







An Act to amend
The Corporations Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 138

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 9 and 10 of section 347 of *The Corporations Act*, ^{s. 347 (9, 10), re-enacted} being chapter 89 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(9) Where it appears that a corporation is in default of filing with the Minister a notice required under section 5 of *The Corporations Information Act*, 1976 and that notice of such default has been sent by registered mail to the corporation or has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, after 180 days after the notice has been sent or published, ^{Order for dissolution 1976, c. ...}

- (a) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order may fix; or
- (b) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order may fix.

(10) Where a corporation has been dissolved under sub-section 9 or any predecessor thereof, the Lieutenant Governor, on the application of any interested person made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. ^{Revival}

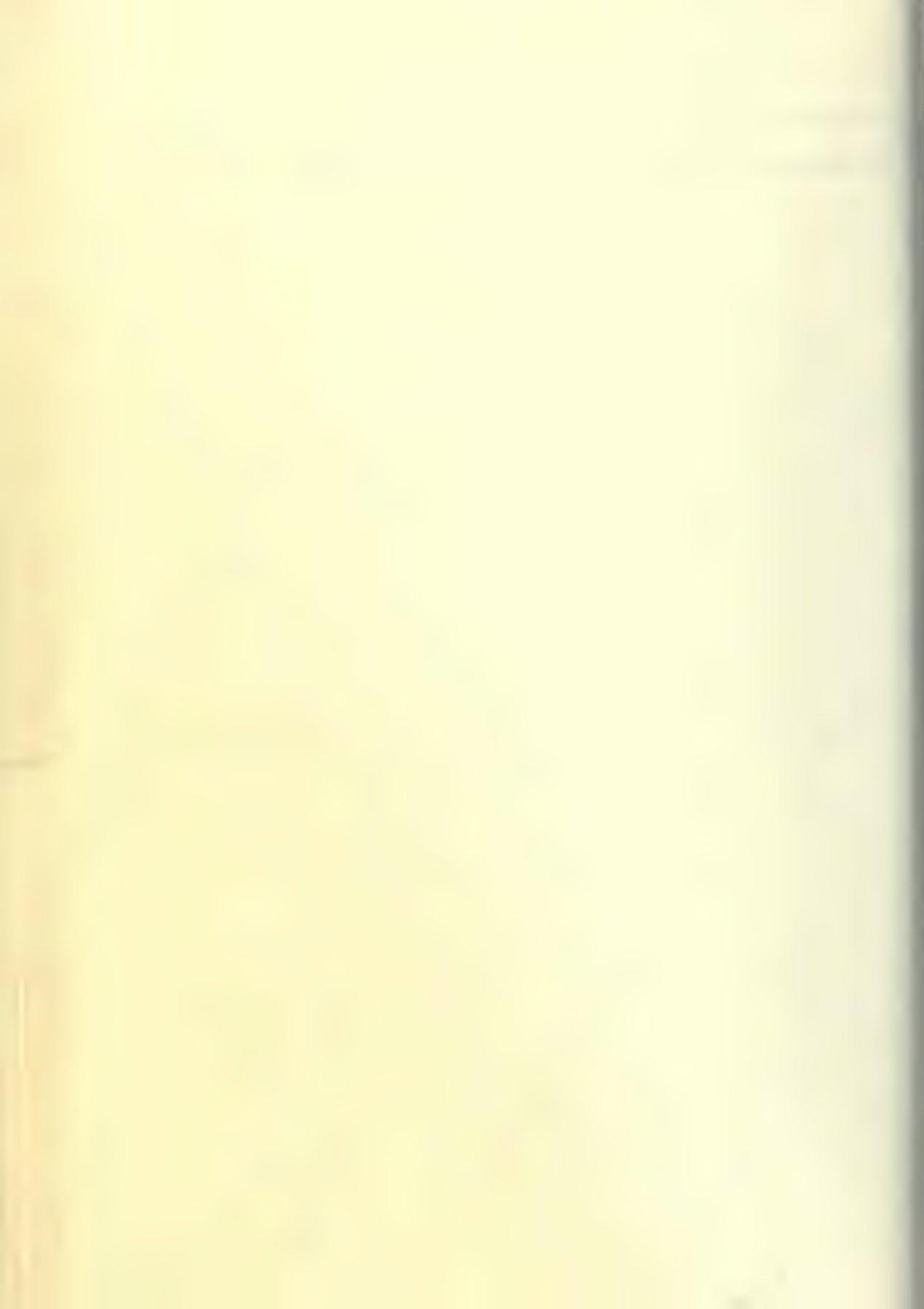
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Amendment Act, 1976*.







An Act to amend
The Corporations Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Employees' Health and Safety**

THE HON. B. STEPHENSON
Minister of Labour

EXPLANATORY NOTES

SECTION 1. The definitions are complementary to other sections of the Act.

BILL 139

1976

An Act respecting Employees' Health and Safety

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "committee" means a joint health and safety committee;
- (b) "employer" includes a manager as defined in Part IX of *The Mining Act*; R.S.O. 1970,
c. 274
- (c) "engineer" means an engineer as defined in Part IX of *The Mining Act*;
- (d) "inspector" means an inspector as defined in *The Industrial Safety Act, 1971*, or *The Construction Safety Act, 1973*, as the case may be; 1971, c. 43
1973, c. 47
- (e) "Minister" means the Minister of Labour;
- (f) "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in any work place or any part or parts thereof; R.S.O. 1970,
c. 232
- (g) "work place" means,
 - (i) an industrial establishment as defined in *The Industrial Safety Act, 1971*,
 - (ii) a project as defined in *The Construction Safety Act, 1973*, and
 - (iii) a mine and a plant as defined in Part IX of *The Mining Act*.

Employee
may refuse
to work

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

2. Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe for him to use or operate or a place in or about a work place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, the employee may refuse to use or operate the machine, device or thing, or work in the place.

Employee
to report
to employer

3.—(1) Where an employee in a work place refuses to use or operate a machine, device or thing, or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe for him to use or operate or the place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over him who shall forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a safety representative, a committee member who represents employees, or a person authorized by the trade union that represents the employee.

Employee
may refuse
to return
to work

(2) Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe for him to use or operate or the place is or continues to be unsafe for him to work in or the machine, device, thing or place is or continues to be in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he may refuse to return to work.

Investigation
by inspector
or engineer

(3) Where the employee refuses to return to work, the employer or person having control and direction over the employee shall notify an appropriate inspector or an engineer, as the case may be, who shall investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a safety representative, a committee member who represents employees or a person authorized by the trade union that represents the employee.

SECTION 2. The section provides that an employee may refuse to work where he believes an unsafe condition exists.

SECTION 3. The section provides that, where an employee refuses to work, the employer must investigate the matter, and, where the employee refuses to return to work, an inspector or engineer must be called in to make a decision on the matter.

SECTION 4. The section empowers the Minister of Labour to order an employer to establish a joint health and safety committee in a work place, and provides for the composition and functions of a committee, its meetings and the time of employees spent thereon.

(4) The inspector or engineer shall, following his investigation, make a decision whether the machine, device or thing is unsafe for the employee to use or operate or the place is unsafe for the employee to work in or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be.

Decision
by inspector
or engineer

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

4.—(1) The Minister may, by order in writing, require an employer or a class or group of employers as defined in the order to establish a joint health and safety committee or committees for a work place, or any part or parts thereof, and, in the order, may provide for the qualifications and the term of office of its members and its practice and procedures, and, from time to time, may give such directions as the Minister considers advisable concerning its functions.

Minister
may make
order

(2) In exercising the power conferred by subsection 1, the Minister may consider,

What
Minister
may consider

- (a) the nature of the work being done;
- (b) the number of employees engaged in the work;
- (c) the frequency of injury in doing work of that nature in the industry of which the employer is a part;
- (d) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and
- (e) such other matters as the Minister considers advisable.

(3) A committee shall consist of such number of persons as the Minister may prescribe, of whom at least half shall be employees who do not exercise managerial functions, to be selected by the employees they are to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

Composition
of committee

(4) It is the function of a committee and it has power to,

Powers of
committee

- (a) identify situations that may be a source of danger or hazard to employees;
- (b) make recommendations to the employer and employees for the improvement of the health and safety of employees;

- (c) establish and maintain programs, measures and procedures respecting the health and safety of employees and monitor their effectiveness;
- (d) obtain information from the employer or other persons respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in the same or similar industries;
- (e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer.

Posting of
names and
work
locations

(5) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

Meetings
of committee

(6) A committee shall meet during working hours at least four times a year and not more often than once a month and may be required to meet by order of the Minister.

Entitlement
to time
from work

(7) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee without deduction of the time so spent from his work time and without deduction from his wages for time so spent.

Minister
may make
order

5.—(1) The Minister may, by order in writing, require an employer or a class or group of employers as defined in the order to cause the selection of one or more safety representatives for a work place, or any part or parts thereof, from among the employees who do not exercise managerial functions, and may from time to time give such directions as the Minister considers advisable concerning the functions of a safety representative.

Selection of
safety repre-
sentative

(2) The selection of a safety representative shall be made by the employees who do not exercise managerial functions whom the safety representative is to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

(3) A safety representative may inspect the work place not more often than once a month or at such intervals as an inspector or engineer, as the case may be, may direct, and it is the duty of the employer and the employees to afford the safety representative such information and assistance as may be required for the purpose of carrying out the inspection.

Powers of
safety repre-
sentative

(4) Where an accident occurs at a work place that causes serious injury or death to a person therein or thereat, a notice in writing of the occurrence shall be given forthwith by the employer to the safety representative, if any, and, the safety representative may inspect the place where the accident occurred and any machine, device or thing, and report his findings to the committee, if any, but nothing in this subsection affects the duties and responsibilities of an employer under sections 33, 34 and 35 of *The Industrial Safety Act, 1971*, sections 25 and 30 of *The Construction Safety Act, 1973*, and sections 612 and 613 of *The Mining Act*.

Notice of
accident,
inspection by
safety repre-
sentative

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

(5) A safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 3 and 4 without deduction of time so spent from his work time and without deduction from his wages for time so spent.

Entitlement
to time
from work

6.—(1) Where an inspector exercises the powers conferred upon him under clause *a* of subsection 1 of section 8 of *The Industrial Safety Act, 1971* or clause *a* of subsection 1 of section 6 of *The Construction Safety Act, 1973* or an engineer exercises the powers conferred upon him under clause *b* of subsection 1 of section 618 of *The Mining Act*, the employer shall afford to a safety representative, if any, a representative authorized by a trade union or trade unions, if any, or failing such representative, a representative authorized by the employees, the opportunity to accompany the inspector or engineer during his physical inspection of a work place, or any part or parts thereof.

Opportunity
to accompany
inspector or
engineer

(2) Where there is no safety representative or authorized representative, the inspector or engineer shall endeavour to consult during his physical inspection with a reasonable number of the employees concerning matters of health and safety at their work.

Consultation
with
employees

(3) The time spent by a safety representative or an authorized representative in accompanying an inspector or engineer during his physical inspection shall be deemed to be work time.

Time deemed
to be
work time

Posting of
copies of
direction,
order
or report
1971, c. 43
1973, c. 47
R.S.O. 1970,
c. 274

7. Where an inspector gives a direction in writing under section 10 of *The Industrial Safety Act, 1971* or an order in writing under section 11 of *The Construction Safety Act, 1973* or an engineer gives a notice in writing under clause a of subsection 1 of section 618 of *The Mining Act* or an inspector or engineer issues a report of his inspection to an employer, the employer shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees and shall furnish a copy of such direction, order, notice or report to the safety representative and the committee, if any, and the inspector or engineer shall cause a copy thereof to be furnished to a person who has complained of a contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder.

Summary
to be
furnished

8.—(1) The Workmen's Compensation Board, upon the request of an employee or a trade union, shall send to the appropriate employer an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases without lost workdays, the number of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable.

Delivery
and posting
of copy of
summary

(2) Upon receipt of the annual summary, the employer shall forthwith deliver a copy thereof to the committee, if any, and to the trade union or trade unions representing the employee, and, where there is no trade union, shall cause a copy thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees.

No
discipline,
dismissal,
etc., by
employer

9.—(1) No employer or person acting on behalf of an employer shall,

- (a) dismiss or threaten to dismiss an employee;
- (b) discipline or suspend or threaten to discipline or suspend an employee;
- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee has acted in compliance with this Act.

SECTION 5. The Minister is empowered to order the selection of a safety representative in a work place who is entitled to inspect the work place, to be notified of accidents and to investigate them.

SECTION 6. An employer is required to permit a safety representative to accompany an inspector or engineer during his inspection of a work place.

SECTION 7. The section requires that directions or reports of an inspector or engineer be communicated to the safety representative and the committee, if any, and to an employee who has complained of a contravention of an Act mentioned in the section or any regulations thereunder.

SECTION 8. The Workmen's Compensation Board is required to send upon request an annual summary of accident statistics to an employer who is then required to furnish copies to the trade union and the committee, or to post the summary.

SECTION 9. The section provides that no employee shall be dismissed, etc., because he has acted in compliance with this Act.

The Ontario Labour Relations Board may inquire into a complaint alleging a contravention of the section and the Board may exercise its powers under certain sections of *The Labour Relations Act*, including the power to order reinstatement.

SECTION 10. The section creates certain offences and provides a penalty therefor.

SECTION 11. Self-explanatory.

SECTION 12. The administration of Part IX of *The Mining Act*, which deals with the operation of mines, is transferred from the Minister of Natural Resources to the Minister of Labour.

SECTION 13. The administration of *The Silicosis Act* is transferred from the Minister of Health to the Minister of Labour.

(2) An employee may file with the Ontario Labour Relations Board a complaint alleging a contravention of subsection 1, and any regulations governing the practice and procedure of the Board apply *mutatis mutandis* to any such complaint. Employee may file complaint

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies *mutatis mutandis* as if such section, except subsection 4a, were enacted in and forms part of this Act. Inquiry into complaint

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply *mutatis mutandis*. Application of R.S.O. 1970, c. 232

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or person acting on behalf of the employer. Burden of proof

10. Every employer who fails to comply with an order made under subsection 1 of section 4 or subsection 1 of section 5 or contravenes subsection 1 of section 9 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000, or to imprisonment for a term of not more than twelve months, or to both. Offence

11. Where there is a conflict between the provisions of this Act and the provisions of any general or special Act, the provisions of this Act prevail. Act prevails

12.—(1) The administration of Part IX of *The Mining Act*, except section 616, is assigned and transferred to the Minister of Labour and a reference in that Part, except in section 616, to the Minister, the Deputy Minister or the Ministry shall be deemed to be a reference to the Minister of Labour, the Deputy Minister of Labour or the Ministry of Labour, as the case may be. Assignment and transfer to Minister R.S.O. 1970, c. 274

(2) The reference in subsection 3 of section 632 of *The Mining Act* to the Deputy Minister shall be deemed to be a reference to the Deputy Minister of Labour. Reference to Deputy Minister

13. The administration of *The Silicosis Act* is assigned and transferred to the Minister of Labour and a reference in that Act and the regulations thereunder to the Director Assignment and transfer to Minister R.S.O. 1970, c. 438

or to the Minister shall be deemed to be a reference to the Chief of the Industrial Disease Service of the Ministry of Labour or to the Minister of Labour, as the case may be.

Commence-
ment

14.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Employees' Health and Safety Act, 1976*.







An Act respecting
Employees' Health and Safety

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Employees' Health and Safety**

THE HON. B. STEPHENSON
Minister of Labour

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The definitions are complementary to other sections of the Act.

BILL 139

1976

An Act respecting Employees' Health and Safety

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "committee" means a joint health and safety committee;
- (b) "employer" includes a manager as defined in Part IX of *The Mining Act*;
R.S.O. 1970,
c. 274
- (c) "engineer" means an engineer as defined in Part IX of *The Mining Act*;
- (d) "health and safety representative" means a health and safety representative selected by employees he represents or by the trade union or trade unions representing such employees;
- (e) "inspector" means an inspector as defined in *The Industrial Safety Act, 1971*, or *The Construction Safety Act, 1973*, as the case may be;
1971, c. 43
1973, c. 47
- (f) "Minister" means the Minister of Labour;
- (g) "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in any work place or any part or parts thereof;
R.S.O. 1970,
c. 232
- (h) "work place" means,
 - (i) an industrial establishment as defined in *The Industrial Safety Act, 1971*,

1973, c. 47

(ii) a project as defined in *The Construction Safety Act, 1973*, andR.S.O. 1970,
c. 274(iii) a mine and a plant as defined in Part IX of *The Mining Act*.Employee
may refuse
to work, etc.

2. Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or a place in or about a work place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, the employee may refuse to use or operate the machine, device or thing, or work in the place.

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274Employee
to report
to employer

3.—(1) Where an employee in a work place refuses to use or operate a machine, device or thing or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act* or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over him who shall forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a health and safety representative, a committee member who represents employees, or a person authorized by the trade union that represents the employee.

Employee
may continue
to refuse to
work, etc.

(2) Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is or continues to be unsafe for him to work in or the machine, device, thing or place is or continues to be in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he may continue to refuse to use or

SECTION 2. The section provides that an employee may refuse to work where he believes an unsafe condition exists.

SECTION 3. The section provides that, where an employee refuses to work, the employer must investigate the matter, and, where the employee refuses to return to work, an inspector or engineer must be called in to make a decision on the matter.

SECTION 4. The section empowers the Minister of Labour to order an employer to establish a joint health and safety committee in a work place, and provides for the composition and functions of a committee, its meetings and the time of employees spent thereon.

operate the machine, device or thing, or work in the place unless a collective agreement binding the employee expressly provides otherwise.

(3) Where the employee continues to refuse to use or operate the machine, device or thing, or work in the place or having returned to work in compliance with the express provisions of a collective agreement binding the employee files a grievance concerning his right to continue to refuse to use or operate the machine, device or thing or work in the place, the employer or person having control and direction over the employee shall notify an appropriate inspector or an engineer, as the case may be, who shall investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a health and safety representative, a committee member who represents employees or a person authorized by the trade union that represents the employee.

Investigation
by inspector
or engineer

(4) The inspector or engineer shall, following his investigation, make a decision whether the machine, device or thing is unsafe for the employee to use or operate or the place is unsafe for the employee to work in or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be.

Decision
by inspector
or engineer

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

4.—(1) The Minister may, by order in writing, require an employer to establish a joint health and safety committee or committees for a work place, or any part or parts thereof, and, in the order, may provide for the qualifications and the term of office of its members and its practice and procedures, and, from time to time, may give such directions as the Minister considers advisable concerning its functions.

Minister
may make
order

(2) In exercising the power conferred by subsection 1, the Minister shall consider,

What
Minister
shall consider

(a) the nature of the work being done;

(b) the number of employees engaged in the work;

(c) the request of a group of the employees or the trade union or trade unions representing the employees in a work place;

(d) the frequency of injury in doing work of that nature in the industry of which the employer is a part;

(e) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and

(f) such other matters as the Minister considers advisable.

Composition
of committee

(3) A committee shall consist of such number of persons as the Minister may prescribe, of whom half shall be employees who do not exercise managerial functions, to be selected by the employees they are to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

Powers of
committee

(4) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to employees;

(b) make recommendations to the employer and employees for the improvement of the health and safety of employees;

(c) recommend the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of employees;

(d) obtain information from the employer or other persons respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in the same or similar industries;

(e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer.

Posting of
names and
work
locations

(5) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

Meetings
of committee

(6) A committee shall meet during working hours at least four times a year and not more often than once a



SECTION 5. The Minister is empowered to order the selection of a health and safety representative in a work place who is entitled to inspect the work place, to be notified of accidents and to investigate them.

month and may be required to meet by order of the Minister.

(7) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee without deduction of the time so spent from his work time and without deduction from his wages for time so spent.

Entitlement
to time
from work

5.—(1) The Minister may, by order in writing, require an employer to cause the selection of one or more health and safety representatives for a work place, or any part or parts thereof, from among the employees employed at the work place who do not exercise managerial functions, and may from time to time give such directions as the Minister considers advisable concerning the functions of a health and safety representative.

Minister
may make
order

(2) The selection of a health and safety representative shall be made by the employees who do not exercise managerial functions whom the health and safety representative is to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

Selection of
repre-
sentative

(3) A health and safety representative may inspect the work place not more often than once a month or at such intervals as an inspector or engineer, as the case may be, may direct, and it is the duty of the employer and the employees to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection.

Powers of
repre-
sentative

(4) A health and safety representative has power to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his findings to the employer, employees, a trade union or trade unions representing employees and a joint health and safety committee, if any, for the improvement of the health and safety of workers.

Idem

(5) Where an accident occurs at a work place that causes serious injury or death to a person therein or thereat, a notice in writing of the occurrence shall be given forthwith by the employer to the health and safety representative, if any, and, the health and safety representative may inspect the place where the accident occurred and any machine, device or thing, and report his findings to the committee, if any, but nothing in this subsection affects the

Notice of
accident,
inspection
by repre-
sentative

1971. c. 43
1973. c. 47
R.S.O. 1970.
c. 274

duties and responsibilities of an employer under sections 33, 34 and 35 of *The Industrial Safety Act, 1971*, sections 25 and 30 of *The Construction Safety Act, 1973*, and sections 612 and 613 of *The Mining Act*.

Entitlement
to time
from work

(6) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 3 and 5 without deduction of time so spent from his work time and without deduction from his wages for time so spent.

Opportunity
to accompany
inspector or
engineer

6.—(1) Where an inspector exercises the powers conferred upon him under clause *a* of subsection 1 of section 8 of *The Industrial Safety Act, 1971*, or clause *a* of subsection 1 of section 6 of *The Construction Safety Act, 1973*, or an engineer exercises the powers conferred upon him under clause *b* of subsection 1 of section 618 of *The Mining Act*, the employer shall afford to a health and safety representative, if any, an employee authorized by a trade union or trade unions, if any, to represent it or them and, where there is no trade union an employee authorized by the employees to represent them, the opportunity to accompany the inspector or engineer during his physical inspection of a work place, or any part or parts thereof.

Consultation
with
employees

(2) Where there is no health and safety representative or authorized representative, the inspector or engineer shall endeavour to consult during his physical inspection with a reasonable number of the employees concerning matters of health and safety at their work.

Time deemed
to be
work time

(3) The time spent by a health and safety representative or an authorized representative in accompanying an inspector or engineer during his physical inspection shall be deemed to be work time.

Posting of
copies of
direction,
order
or report

7. Where an inspector gives a direction in writing under section 10 of *The Industrial Safety Act, 1971* or an order in writing under section 11 of *The Construction Safety Act, 1973* or an engineer gives a notice in writing under clause *a* of subsection 1 of section 618 of *The Mining Act* or an inspector or engineer issues a report of his inspection to an employer, the employer shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees and shall furnish a copy of such direction, order, notice or report to the health and safety representative and the committee, if any, and the inspector or engineer shall cause a copy thereof to be furnished to a person who has complained of a contravention of *The Industrial Safety Act, 1971*,

SECTION 6. An employer is required to permit a health and safety representative to accompany an inspector or engineer during his inspection of a work place.

SECTION 7. The section requires that directions or reports of an inspector or engineer be communicated to the health and safety representative and the committee, if any, and to an employee who has complained of a contravention of an Act mentioned in the section or any regulations thereunder.

SECTION 8. The Workmen's Compensation Board is required to send upon request an annual summary of accident statistics to an employer who is then required to furnish copies to the trade union and the committee, or to post the summary.

SECTION 9. The section provides that no employee shall be dismissed, etc., because he has acted in compliance with this Act.

The Ontario Labour Relations Board may inquire into a complaint alleging a contravention of the section and the Board may exercise its powers under certain sections of *The Labour Relations Act*, including the power to order reinstatement. Alternatively, the employee may have the matter dealt with by arbitration under a collective agreement.

The Construction Safety Act, 1973 or Part IX of *The Mining Act*, or any regulations thereunder.

1973, c. 47
R.S.O. 1970,
c. 274

8.—(1) The Workmen's Compensation Board, upon the request of an employee or a trade union, shall send to the appropriate employer an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the number of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable.

Summary
to be
furnished

(2) Upon receipt of the annual summary, the employer shall forthwith deliver a copy thereof to the committee, if any, and to the trade union or trade unions representing the employee, and, where there is no trade union, shall cause a copy thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees.

Delivery
and posting
of copy of
summary

9.—(1) No employer or person acting on behalf of an employer shall,

No
discipline,
dismissal,
etc., by
employer

(a) dismiss or threaten to dismiss an employee;

(b) discipline or suspend or threaten to discipline or suspend an employee;

(c) impose any penalty upon an employee; or

(d) intimidate or coerce an employee,

because the employee has acted in compliance with this Act.

(2) Where an employee complains that an employer has contravened subsection 1, the employee may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply *mutatis mutandis* to the complaint.

Employee
may file
complaint
or have
matter
arbitrated

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies *mutatis mutandis* as if such section, except subsection 4a, were enacted in and forms part of this Act.

Inquiry into
complaint

R.S.O. 1970,
c. 232

Application
of R.S.O.
1970, c. 232

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply *mutatis mutandis*.

Burden
of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or person acting on behalf of the employer.

Offence

10. Every employer who fails to comply with an order made under subsection 1 of section 4 or subsection 1 of section 5 or fails to comply with a provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000, or to imprisonment for a term of not more than twelve months, or to both.

Act
prevails

11. Where there is a conflict between the provisions of this Act and the provisions of any general or special Act, the provisions of this Act prevail.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 274

12.—(1) The administration of Part IX of *The Mining Act*, except section 616, is assigned and transferred to the Minister of Labour and a reference in that Part, except in section 616, to the Minister, the Deputy Minister or the Ministry shall be deemed to be a reference to the Minister of Labour, the Deputy Minister of Labour or the Ministry of Labour, as the case may be.

Reference
to Deputy
Minister

(2) The reference in subsection 3 of section 632 of *The Mining Act* to the Deputy Minister shall be deemed to be a reference to the Deputy Minister of Labour.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 438

13. The administration of *The Silicosis Act* is assigned and transferred to the Minister of Labour and a reference in that Act and the regulations thereunder to the Director or to the Minister shall be deemed to be a reference to the Chief of the Industrial Chest Disease Service of the Ministry of Labour or to the Minister of Labour, as the case may be.

Commence-
ment

14.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Employees' Health and Safety Act, 1976*.

SECTION 10. The section creates an offence and provides a penalty therefor.

SECTION 11. Self-explanatory.

SECTION 12. The administration of Part IX of *The Mining Act*, which deals with the operation of mines, is transferred from the Minister of Natural Resources to the Minister of Labour.

SECTION 13. The administration of *The Silicosis Act* is transferred from the Minister of Health to the Minister of Labour.





An Act respecting
Employees' Health and Safety

1st Reading

October 26th, 1976

2nd Reading

November 18th, 1976

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 139

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Employees' Health and Safety

THE HON. B. STEPHENSON
Minister of Labour



BILL 139

1976

An Act respecting Employees' Health and Safety

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "committee" means a joint health and safety committee;
- (b) "employer" includes a manager as defined in Part IX of *The Mining Act*;
R.S.O. 1970,
c. 274
- (c) "engineer" means an engineer as defined in Part IX of *The Mining Act*;
- (d) "health and safety representative" means a health and safety representative selected by employees he represents or by the trade union or trade unions representing such employees;
- (e) "inspector" means an inspector as defined in *The Industrial Safety Act, 1971*, or *The Construction Safety Act, 1973*, as the case may be;
1971, c. 43
1973, c. 47
- (f) "Minister" means the Minister of Labour;
- (g) "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in any work place or any part or parts thereof;
R.S.O. 1970,
c. 232
- (h) "work place" means,
 - (i) an industrial establishment as defined in *The Industrial Safety Act, 1971*,

1973, c. 47

(ii) a project as defined in *The Construction Safety Act, 1973*, andR.S.O. 1970,
c. 274(iii) a mine and a plant as defined in Part IX of *The Mining Act*.Employee
may refuse
to work, etc.

2. Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or a place in or about a work place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, the employee may refuse to use or operate the machine, device or thing, or work in the place.

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274Employee
to report
to employer

3.—(1) Where an employee in a work place refuses to use or operate a machine, device or thing or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act* or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over him who shall forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a health and safety representative, a committee member who represents employees, or a person authorized by the trade union that represents the employee.

Employee
may continue
to refuse to
work, etc.

(2) Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is or continues to be unsafe for him to work in or the machine, device, thing or place is or continues to be in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he may continue to refuse to use or

operate the machine, device or thing, or work in the place unless a collective agreement binding the employee expressly provides otherwise.

(3) Where the employee continues to refuse to use or operate the machine, device or thing, or work in the place or having returned to work in compliance with the express provisions of a collective agreement binding the employee files a grievance concerning his right to continue to refuse to use or operate the machine, device or thing or work in the place, the employer or person having control and direction over the employee shall notify an appropriate inspector or an engineer, as the case may be, who shall investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a health and safety representative, a committee member who represents employees or a person authorized by the trade union that represents the employee.

Investigation
by inspector
or engineer

(4) The inspector or engineer shall, following his investigation, make a decision whether the machine, device or thing is unsafe for the employee to use or operate or the place is unsafe for the employee to work in or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be.

Decision
by inspector
or engineer

1971, c. 43
1973, c. 47
R.S.O. 1970,
c. 274

4.—(1) The Minister may, by order in writing, require an employer to establish a joint health and safety committee or committees for a work place, or any part or parts thereof, and, in the order, may provide for the qualifications and the term of office of its members and its practice and procedures, and, from time to time, may give such directions as the Minister considers advisable concerning its functions.

Minister
may make
order

(2) In exercising the power conferred by subsection 1, the Minister shall consider,

What
Minister
shall consider

- (a) the nature of the work being done;
- (b) the number of employees engaged in the work;
- (c) the request of a group of the employees or the trade union or trade unions representing the employees in a work place;
- (d) the frequency of injury in doing work of that nature in the industry of which the employer is a part;

(e) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and

(f) such other matters as the Minister considers advisable.

Composition
of committee

(3) A committee shall consist of such number of persons as the Minister may prescribe, of whom half shall be employees who do not exercise managerial functions, to be selected by the employees they are to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

Powers of
committee

(4) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to employees;

(b) make recommendations to the employer and employees for the improvement of the health and safety of employees;

(c) recommend the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of employees;

(d) obtain information from the employer or other persons respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in the same or similar industries;

(e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer.

Posting of
names and
work
locations

(5) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

Meetings
of committee

(6) A committee shall meet during working hours at least four times a year and not more often than once a

month and may be required to meet by order of the Minister.

(7) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee without deduction of the time so spent from his work time and without deduction from his wages for time so spent. Entitlement to time from work

5.—(1) The Minister may, by order in writing, require an employer to cause the selection of one or more health and safety representatives for a work place, or any part or parts thereof, from among the employees employed at the work place who do not exercise managerial functions, and may from time to time give such directions as the Minister considers advisable concerning the functions of a health and safety representative. Minister may make order

(2) The selection of a health and safety representative shall be made by the employees who do not exercise managerial functions whom the health and safety representative is to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions. Selection of representative

(3) A health and safety representative may inspect the work place not more often than once a month or at such intervals as an inspector or engineer, as the case may be, may direct, and it is the duty of the employer and the employees to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection. Powers of representative

(4) A health and safety representative has power to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his findings to the employer, employees, a trade union or trade unions representing employees and a joint health and safety committee, if any, for the improvement of the health and safety of workers. Idem

(5) Where an accident occurs at a work place that causes serious injury or death to a person therein or thereat, a notice in writing of the occurrence shall be given forthwith by the employer to the health and safety representative, if any, and, the health and safety representative may inspect the place where the accident occurred and any machine, device or thing, and report his findings to the committee, if any, but nothing in this subsection affects the Notice of accident, inspection by representative

1971. c. 43 duties and responsibilities of an employer under sections 33,
1973. c. 47 34 and 35 of *The Industrial Safety Act, 1971*, sections 25 and 30
R.S.O. 1970, of *The Construction Safety Act, 1973*, and sections 612 and 613
c. 274 of *The Mining Act*.

Entitlement (6) A health and safety representative is entitled to take
to time such time from his work as is necessary to carry out his
from work duties under subsections 3 and 5 without deduction of time
so spent from his work time and without deduction from his
wages for time so spent.

Opportunity **6.**—(1) Where an inspector exercises the powers con-
to accompany ferred upon him under clause *a* of subsection 1 of section 8
inspector or of *The Industrial Safety Act, 1971*, or clause *a* of subsection 1
engineer of section 6 of *The Construction Safety Act, 1973*, or an
engineer exercises the powers conferred upon him under
clause *b* of subsection 1 of section 618 of *The Mining Act*,
the employer shall afford to a health and safety repre-
sentative, if any, an employee authorized by a trade union
or trade unions, if any, to represent it or them and, where
there is no trade union an employee authorized by the
employees to represent them, the opportunity to accompany
the inspector or engineer during his physical inspection of a
work place, or any part or parts thereof.

Consultation (2) Where there is no health and safety representative
with or authorized representative, the inspector or engineer shall
employees endeavour to consult during his physical inspection with a
reasonable number of the employees concerning matters of
health and safety at their work.

Time deemed (3) The time spent by a health and safety representative
to be or an authorized representative in accompanying an in-
work time spector or engineer during his physical inspection shall be
deemed to be work time.

Posting of **7.** Where an inspector gives a direction in writing under
copies of section 10 of *The Industrial Safety Act, 1971* or an order in
direction, writing under section 11 of *The Construction Safety Act,*
order 1973 or an engineer gives a notice in writing under clause
or report *a* of subsection 1 of section 618 of *The Mining Act* or an
inspector or engineer issues a report of his inspection to an
employer, the employer shall forthwith cause a copy or copies
thereof to be posted in a conspicuous place or places where
it is most likely to come to the attention of the employees
and shall furnish a copy of such direction, order, notice or
report to the health and safety representative and the
committee, if any, and the inspector or engineer shall cause
a copy thereof to be furnished to a person who has com-
plained of a contravention of *The Industrial Safety Act, 1971*,

The Construction Safety Act, 1973 or Part IX of *The Mining Act*, or any regulations thereunder. 1973, c. 47
R.S.O. 1970,
c. 274

8.—(1) The Workmen's Compensation Board, upon the request of an employee or a trade union, shall send to the appropriate employer an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the number of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable. Summary
to be
furnished

(2) Upon receipt of the annual summary, the employer shall forthwith deliver a copy thereof to the committee, if any, and to the trade union or trade unions representing the employee, and, where there is no trade union, shall cause a copy thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees. Delivery
and posting
of copy of
summary

9.—(1) No employer or person acting on behalf of an employer shall, No
discipline,
dismissal,
etc., by
employer

(a) dismiss or threaten to dismiss an employee;

(b) discipline or suspend or threaten to discipline or suspend an employee;

(c) impose any penalty upon an employee; or

(d) intimidate or coerce an employee,

because the employee has acted in compliance with this Act.

(2) Where an employee complains that an employer has contravened subsection 1, the employee may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply *mutatis mutandis* to the complaint. Employee
may file
complaint
or have
matter
arbitrated

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies *mutatis mutandis* as if such section, except subsection 4a, were enacted in and forms part of this Act. Inquiry into
complaint

R.S.O. 1970,
c. 232

Application
of R.S.O.
1970, c. 232

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply *mutatis mutandis*.

Burden
of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or person acting on behalf of the employer.

Offence

10. Every employer who fails to comply with an order made under subsection 1 of section 4 or subsection 1 of section 5 or fails to comply with a provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000, or to imprisonment for a term of not more than twelve months, or to both.

Act
prevails

11. Where there is a conflict between the provisions of this Act and the provisions of any general or special Act, the provisions of this Act prevail.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 274

12.—(1) The administration of Part IX of *The Mining Act*, except section 616, is assigned and transferred to the Minister of Labour and a reference in that Part, except in section 616, to the Minister, the Deputy Minister or the Ministry shall be deemed to be a reference to the Minister of Labour, the Deputy Minister of Labour or the Ministry of Labour, as the case may be.

Reference
to Deputy
Minister

(2) The reference in subsection 3 of section 632 of *The Mining Act* to the Deputy Minister shall be deemed to be a reference to the Deputy Minister of Labour.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 438

13. The administration of *The Silicosis Act* is assigned and transferred to the Minister of Labour and a reference in that Act and the regulations thereunder to the Director or to the Minister shall be deemed to be a reference to the Chief of the Industrial Chest Disease Service of the Ministry of Labour or to the Minister of Labour, as the case may be.

Commence-
ment

14.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Employees' Health and Safety Act, 1976*.

An Act respecting
Employees' Health and Safety

1st Reading

October 26th, 1976

2nd Reading

November 18th, 1976

3rd Reading

December 13th, 1976

THE HON. B. STEPHENSON
Minister of Labour

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to reform the Law respecting
Property Rights and Support Obligations between
Married Persons and in other Family Relationships**

THE HON. R. MCMURTRY
Attorney General

TORONTO

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EXPLANATORY NOTES

SECTION 1. The definition of "child" allows children born outside marriage, stepchildren and persons treated as a child of the family to claim support from their parents under Part II or to benefit from an order respecting property under section 5 (2) (b).

The definition of "court" permits claims under Parts I to IV to be brought in the new Unified Family Court, the county or district court or the Supreme Court.

The definition of "parent" corresponds with the meaning of "child".

The definition of "spouse" ensures that parties to a marriage subsequently found to be void are covered by this Act.

SECTION 2. Subsection 1 permits a court to adjourn the hearing of a claim under this Act where it finds that all of the issues necessary for it to make a proper decision have not been determined. For example, an application to divide property could be adjourned to allow the bringing of a support application, and the two applications could be heard together.

BILL 140

1976

**An Act to reform the Law respecting
Property Rights and Support Obligations
between Married Persons and in other
Family Relationships**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "child" means a child born within or outside marriage, subject to section 83 of *The Child Welfare Act* (which relates to the effect of adoption), and includes a stepchild and a person whom the parent has a settled intention to treat as a child of his or her family, but does not include a foster child placed in the home of a person under an agreement with a public agency; R.S.O. 1970,
c. 64
- (b) "court" means the Unified Family Court, a county or district court or the Supreme Court;
- (c) "parent" means the father or mother of a child, and includes a stepparent and a person who has a settled intention to treat the child as a child of his or her family, but does not include a person in whose home the child was placed as a foster child under an agreement with a public agency; and
- (d) "spouse" means a person who is the husband or wife of another person, including a person in respect of whose marriage a judgment of nullity is subsequently made.

2.—(1) Where, in an application under any provision of this Act, it appears to the court that for the true determination of the affairs of the spouses it is necessary or desirable to have other matters under this Act first or Combining of
application

simultaneously determined, the court may direct that the application stand over until such other applications are brought or determined as the court thinks fit.

Applications (2) An application under this Act may be made by originating notice, by an action or in another proceeding.

Consent orders (3) Upon the consent of the parties in an application under this Act, the court may make any order that the court is otherwise empowered to make by this Act.

Capacity of minors (4) A minor who is or has been a spouse has capacity to make, conduct and defend an application under this Act without the intervention of a next friend or guardian *ad litem*.

Application of Act subject to contract (5) This Act applies except in so far as a marriage contract made in accordance with Part IV contains a stipulation that is contrary thereto, but any matter provided for in a marriage contract may be incorporated in an order made under this Act.

PART I

FAMILY PROPERTY

Interpretation 3. In this Part,

(a) "family assets" means property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses or one or more of their children for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and includes,

(i) money in an account with a chartered bank, savings office, credit union or trust company where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social or aesthetic purposes,

(ii) where property owned by a corporation or trustee would, if it were owned by a spouse, be a family asset, shares in the corporation or an interest in the trust owned by the spouse having a market value equal to the value of the property,

(iii) property over which a spouse has, either alone or in conjunction with another person, a power of appointment exercisable in favour of himself or herself, if the property would

Subsection 2 allows the making of a claim under this Act either by summary application or by an ordinary action.

Subsection 3 allows the court to make orders on the consent of the parties, without the need for a hearing.

Subsection 4 allows minors who are or have been married to make applications under this Act on their own behalf.

Subsection 5 provides that a marriage contract made under Part IV prevails over any of the provisions of this Act (except those set out in section 46). The terms of a marriage contract can be incorporated as part of a court order made under this Act.

SECTION 3. The definition of "family assets" includes property held for the benefit of a spouse by a corporation, trust, power of appointment or revocable gift. The definition does not include land around the matrimonial home where that land is used for farming or other business purposes and is not reasonably necessary to the use of the home as a residence.

SECTION 4. This section gives a spouse the right to have the family assets divided where the marriage has broken down. The division can be accomplished by agreement or by court order. The family assets will be divided equally notwithstanding which spouse is the owner of them, even though that ownership has been determined under section 7, unless one of the spouses can satisfy the court that an equal division of family assets would be inequitable in view of the enumerated factors. Once satisfied, the court can divide the family assets unequally or divide other property of the spouse, including business property. The underlying purpose of the section is set out in subsection 3.

be a family asset if it were owned by the spouse, and

- (iv) property disposed of by a spouse but over which the spouse has, either alone or in conjunction with another person a power to revoke the disposition or a power to consume, invoke or dispose of the property, if the property would be a family asset if it were owned by the spouse,

but does not include land that is excluded from the matrimonial home under subsection 4 of section 36;

- (b) "property" means real or personal property or any interest therein.

4.—(1) Subject to subsection 2, where a judgment *nisi* Division of family assets of divorce is pronounced or a marriage is declared a nullity or where the spouses are separated and there is no reasonable prospect of the resumption of cohabitation each spouse is entitled to have the family assets divided in equal shares notwithstanding the ownership of the assets by the spouses as determinable for other purposes and notwithstanding any order under section 7.

(2) Where, upon the application of a spouse, the court Variation of division is of the opinion that a division of the family assets in equal shares would be inequitable, having regard to,

- (a) any agreement between the spouses;
- (b) the duration of the marriage;
- (c) the date when the property was acquired;
- (d) the extent to which property was acquired by one spouse by inheritance or by gift; or
- (e) any other circumstance relating to the acquisition, preservation, maintenance, improvement or use of property rendering it inequitable for the division of family assets to be in equal shares,

the court may,

- (f) make a division of family assets resulting in shares that are not equal; or

- (g) order other property of a spouse to be transferred to or vested in the other spouse, as the court considers appropriate.

Purpose

(3) The purpose of this section is to recognize that inherent in the marital relationship there is mutual contribution by the spouses, whether financial or otherwise, to the family welfare, entitling each spouse to an equal division of the family assets upon termination of the marriage, subject to the equitable considerations set out in subsection 2.

Powers of court

5.—(1) The court may, upon application, determine any matter respecting the division of family assets between spouses.

Idem

(2) In an application under this section, the court may order,

- (a) that the title to any specified property directed to a spouse in the division be transferred to or in trust for or vested in the spouse whether absolutely, for life or for a term of years;
- (b) the partition or sale of any property that is the subject of division;
- (c) that payment be made out of the proceeds of sale to one or both spouses, and the amount thereof;
- (d) that any property forming part of the share of either or both spouses be transferred to or in trust for or vested in a child to whom a spouse owes an obligation to provide support;
- (e) that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property;
- (f) that either spouse pay to the other such sum as is set out in the order for the purpose of adjusting the division,

and may make such other orders or directions as are ancillary thereto.

Interim orders for preservation and possession

(3) In or pending an application under this section, the court may make such interim order as it considers necessary for restraining the dissipation of family assets and for the possession, delivering up, safekeeping and preservation of the property.

SECTION 5. Subsection 1 allows an application to court to determine the mechanics of the division of the family assets or other property subject to division. The powers of the court under subsection 2 include the power to order partition or sale. Recourse to *The Partition Act* will be unnecessary.

SECTION 6. This section permits a person to apply for a division of family assets for up to six months after a divorce or annulment.

SECTION 7. This section is based on and replaces section 12 of *The Married Women's Property Act*. It allows applications to determine ownership or the right to possession of particular pieces of property, and is not restricted to a marriage breakdown situation. This section is not available where an application under section 4 has been made in respect of the same property. The court may order compensation for a spouse if the other has disposed of the property in question. The court has the power to order partition, so that recourse to *The Partition Act* will not be necessary.

Subsection 2 is based on section 1 (3) (c) of *The Family Law Reform Act, 1975* and extends that provision so as to allow the court to recognize the spouse's contribution to particular property.

SECTION 8. This provision formerly appeared as section 1 (3) (d) of *The Family Law Reform Act, 1975*.

6. Sections 4 and 5 apply to persons whose marriage to each other is terminated by a judgment absolute of divorce or is declared a nullity for a period of six months after the judgment. Limitation

7.—(1) Any person may apply to the court for the determination of any question between that person and his or her spouse or former spouse as to the ownership or right to possession of any particular property, except where an application is pending or an order has been made respecting the property, under section 4 or 5, and the court may, Determination of questions of title between married persons

- (a) declare the ownership or right to possession;
- (b) where the property has been disposed of, order payment in compensation for the interest of either party;
- (c) order that the property be partitioned or sold for the purpose of realizing the interests therein; and
- (d) order that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property,

and may make such other orders or directions as are ancillary thereto.

(2) In the determination of a question under subsection 1, where one spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of property in which the other has an interest, the court may by order, Recognition of contribution

- (a) direct the payment of an amount in compensation therefor; or
- (b) award an interest in the property appropriate to the contribution. 1975, c. 41, s. 1 (3) (c), *amended*.

(3) In an application under this section, the court may make such interim order as it considers necessary for restraining the dissipation of the property and for the possession, delivering up, safekeeping and preservation of the property. Interim orders for preservation

8. The rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law Presumptions

applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

- (a) the fact that property is placed or taken in the name of spouses as joint tenants shall be *prima facie* proof that a joint tenancy of the beneficial interest in the property is intended; and
- (b) money on deposit in a bank, savings office, credit union or trust company in the name of both spouses shall be deemed to be in the name of the spouses as joint tenants for the purposes of clause *a.* 1975, c. 41, s. 1 (3) (*d*).

Application
of Part

9. This Part applies notwithstanding that,

- (a) the spouses entered into the marriage before this Part comes into force; or
- (b) the property in issue was acquired before this Part comes into force,

but does not apply in respect of property rights that are in issue in a proceeding that was commenced before this Part comes into force.

Conflict
of laws

10.—(1) The division of family assets and the ownership as between spouses of movable property wherever situate are governed by the internal law of the place where both spouses had their last common habitual residence or, where there is no place where the spouses had a common habitual residence, by the law of Ontario.

Idem

(2) The ownership of immovable property as between spouses is governed by the internal law of the place where the land is situated, but where the law of Ontario is applicable respecting the division of family assets, the ownership of the property may be taken into consideration for the purposes of sections 4 and 5.

PART II

SUPPORT OBLIGATIONS

Interpre-
tation

11. In this Part,

- (a) "court" means a court as defined in section 1, and includes a provincial court (family division);

SECTION 9. This Part applies to persons married and to property owned when this Act comes into force, except where the spouses have already started a court proceeding over property rights.

SECTION 10. This Part will apply to spouses who do not have a marriage contract (see section 1 (5)) and whose last common habitual residence was in Ontario or who never had a common habitual residence. Where the spouses' last common habitual residence was outside Ontario, the ownership of their movable property and their right to divide family assets will be governed by the law of that other jurisdiction.

The ownership of spouses' land is governed by the law of the place where the land is situated. Where this Part applies to the spouses, land outside Ontario cannot be ordered sold or partitioned by the court. However, the court can take the value of that land into account and give a smaller share of movable property or land in Ontario to the spouse who owns the foreign land, in order to adjust the division of family assets.

SECTION 11. The Unified Family Court, a county or district court, the Supreme Court and the provincial court (family division) will have concurrent jurisdiction over support matters.

The definition of "spouse" is broadened to include a person whose marriage has been annulled and a "common law" spouse as defined. A spouse may apply for support up to six months after a divorce or annulment, but a divorce decree providing for support would preclude an application under this Part.

SECTION 12. This section creates an obligation on spouses to be self-supporting and to support the other spouse, depending on ability to provide support and the needs of the other spouse. Matrimonial misconduct will no longer be the basis for making or denying an award of support but will remain a factor in determining the amount of support. See section 15 (3) (g).

SECTION 13. The parental obligation to support a child is extended beyond the age of 16 years where the child is unable to provide himself with necessities of life because of illness, disability or other cause, which would include attendance at school or university, where reasonable. This wording is borrowed from the *Divorce Act* (Canada).

SECTION 14. A corresponding obligation is placed on children over the age of 18 to support their parents when in need, in accordance with ability. This section replaces the existing *Parents' Maintenance Act*, which imposes a similar obligation.

SECTION 15. A public agency providing welfare or family benefits will be able to claim support for a dependant.

Subsection 3 contains a check-list to assist the court in determining the needs of the dependant and the ability to pay of the person from whom support is claimed. Persistent conduct constituting a repudiation of the family relationship will remain a factor in determining the amount of support which should be awarded. The court is directed to take into consideration any loss of earning capacity or opportunity for advancement occasioned by the responsibilities assumed during cohabitation and may make a special award to assist a spouse to attain financial independence.

(b) "dependant" means a person to whom another has an obligation to provide support under this Part;

(c) "spouse" means a spouse as defined in section 1, and includes either of a man and woman,

(i) whose marriage was terminated by a judgment absolute of divorce or declared a nullity within the preceding six months and who has not remarried, or

(ii) who, not being married to each other, have lived together as husband and wife within the preceding six months and had so lived together,

1. continuously for a period of not less than two years, or

2. in a relationship of some permanence where there is a child born of whom they are the natural parents.

12. Every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so. Obligation of spouses for support

13. Every parent has an obligation, to the extent the parent is capable of doing so, to provide support, in accordance with need, for his or her child who is unmarried and, Obligation of parent to support child

(a) is under the age of sixteen years; or

(b) is of the age of sixteen years or over but unable, by reason of illness, disability or other cause to withdraw from the charge of his or her parents or to provide himself or herself with necessities of life.

14. Every child who is not a minor has an obligation to provide support for his or her parent, in accordance with need, to the extent that the child is capable of doing so. Obligation of child to support parent

15.—(1) A court may, upon application, order a person to provide support for his or her dependants and determine the amount thereof. Order for support

(2) An application for an order for support may be made by the dependant or by any public agency having responsibility for the provision of support out of public money or Applicants

by any person, institution or agency that has undertaken to provide support for the dependant.

Determin-
ation of
amount

(3) In determining the amount of support, the court shall consider all the circumstances of the parties, including,

- (a) the assets and means of the dependant and of the respondent;
- (b) the capacity of the dependant to provide for his or her own support;
- (c) the capacity of the respondent to provide support;
- (d) the needs of the dependant, in determining which the court may have regard to his or her accustomed standard of living;
- (e) the desirability for the dependant to have special assistance to achieve a program for financial independence;
- (f) the obligation of the respondent to support any other person;
- (g) any course of conduct by the applicant tending to repudiate the relationship;
- (h) where the dependant is a child, his or her reasonable prospects of obtaining an education;
- (i) where the dependant is a child, his or her withdrawal from the control of both parents;
- (j) where the dependant is a spouse, the effect on his or her earning capacity of the responsibilities assumed during cohabitation; and
- (k) any other source of support for the dependant other than out of public money.

Powers of
court

16.—(1) In an application under section 15, the court may order,

- (a) an amount payable periodically, whether annually or otherwise and whether for an indefinite or limited period or until the happening of a specified event;
- (b) a lump sum to be paid or held in trust;

SECTION 16. The court has broad powers to make the most suitable order or combination of orders regarding support, including the making of both periodic and lump sum orders and the granting of security to ensure payments. The court can also order the respondent to reimburse a public agency for payments it has made to the dependant.

Pending a hearing the court may make an interim order for up to thirty days, when necessary, on application by or on behalf of the dependant without notice to the respondent. The respondent could have the order set aside under the rules of court.

A support order may be assigned to a public agency paying benefits to the dependant. This allows the agency to continue the steady income of the respondent and leaves the burden of enforcement and the risk of non-payment on the agency.

SECTION 17. An order for support may be varied or ended if there has been a material change of circumstances or new evidence becomes available. The court also has power to wipe out arrears and interest.

This section applies to the variation of support orders made before this Act takes effect.

- (c) any specified property to be transferred to or in trust for or vested in the dependant, whether absolutely, for life or for a term of years;
- (d) the securing of lump sum or periodic payments;
- (e) the charging of property with payment under an order;
- (f) payment of support to be made in respect of any period before the date of the order;
- (g) the payment to a public agency of any amount in reimbursement for an allowance granted in respect of the support of the dependant, including an amount in reimbursement for an allowance paid before the date of the order,

or any combination thereof.

(2) Where an application is made under section 15, the court may make such interim order as the court considers appropriate, including an interim order, *ex parte* for periodic payments for a period not exceeding thirty days.

(3) An order for support is assignable to a public agency referred to in clause g of subsection 1.

17.—(1) Where an order for support has been made under section 16, and where the court is satisfied that there has been a material change in the circumstances of the dependant or the respondent or evidence has become available that was not available on the previous hearing, the court may upon application discharge, vary or suspend any term of the order, prospectively or retroactively, relieve the respondent from the payment of part or all of the arrears or any interest due thereon and make such other order under section 16 as the court considers appropriate in the circumstances.

(2) The accustomed standard of living of a dependant considered for the purposes of subsection 1 shall be the accustomed standard of living prior to the making of the original order.

(3) No application under subsection 1 shall be made within six months after the disposition of any other application

under subsection 1 in respect of the same order, except by leave of the court.

Existing
orders

(4) This section applies to alimony or maintenance orders made before this section comes into force.

Restraining
orders

18. In or pending an application under section 15, or where an order for support has been made, the court may make such interim or final order as it considers necessary for restraining the disposition or wasting of assets that would impair or defeat the claim or order for the payment of support.

Statement
of financial
affairs

19.—(1) Where an application under section 15 is made, each party shall file with the court and serve upon the other a statement verified by oath or statutory declaration disclosing particulars of financial information in the manner and form prescribed by the rules of the court.

Order for
sealing
statement

(2) Where, in the opinion of the court, the public disclosure of any information required to be contained in a statement under subsection 1 would be a hardship on the person giving the statement, the court may order that the statement and any cross-examination upon it before the hearing be treated as confidential by the parties and not form part of the public record.

Access to
records

20.—(1) Where it appears to a court that a person in whose favour a support order is made has need for enforcement purposes to learn or confirm the whereabouts of the person against whom the order is made, the court may order any person or public agency to provide such particulars of the address as are in its knowledge or custody and the person or agency shall provide such particulars as it is able to provide based upon the information given for the purpose.

Section
binds Crown

(2) This section binds the Crown.

Filing
order in
family
court

21.—(1) An order for support made under this Part may be filed in the office of the Unified Family Court or any provincial court (family division) and upon being filed the clerk of the court may take any action on behalf of and in the name of the person entitled to support under the order as such person is entitled to take.

Powers of
court for
enforcement

(2) A provincial court (family division) and the judges thereof have the power to issue execution and garnishment and enforce orders for support filed in the court under subsection 1 in the same manner as small claims courts and the judges thereof, but without monetary limitation.

SECTION 18. A proposed sale of assets which would defeat a claim or an order for payment of support may be restrained by court order.

SECTION 19. Disclosure of financial information will be required of both the applicant and the person from whom support is claimed in order to ascertain need and ability to pay. The court will have discretion to make the disclosure confidential.

SECTION 20. In order to enforce a support order, the court may order a person such as an employer or public agency, including the Crown, to provide access to its records for the sole purpose of obtaining the address of a person ordered to pay support.

SECTION 21. This section allows support orders made in any court to be filed for enforcement in the new Unified Family Court or the provincial court (family division). It replaces section 25 of *The Provincial Courts Act*. This section recognizes the administrative practice whereby court officials automatically enforce orders in family court.

The provincial court (family division) will have power to enforce support orders by execution and garnishment. Formerly support orders were enforceable in small claims court only up to the monetary jurisdiction of that court.

SECTION 22. This procedure is similar to that set out in *The Deserted Wives' and Children's Maintenance Act*.

SECTION 23. This procedure exists under *The Deserted Wives' and Children's Maintenance Act*. The power to imprison is made flexible enough to allow for a conditional or intermittent sentence.

SECTION 24. This section is new. It allows a court order for a continuing deduction at source by the employer in order to satisfy a support order. The attachment would have priority over any other seizure of wages. See also section 58.

SECTION 26. A provincial order for support for a dependant will continue in force if the question of support was not raised in divorce or nullity proceedings. Under existing law, provincial orders for the support of a child continue but those in favour of a spouse do not.

22.—(1) Where there is default in payment under an order for support, a clerk of the Unified Family Court or a provincial court (family division) may issue a summons requiring the debtor to appear before that court to submit to an examination as to his assets and means and to explain the default. Examination of debtor

(2) If the debtor fails to appear as required after being served with a summons, or if the court is satisfied that the debtor intends to leave Ontario without appearing as required after being served, the court out of which the summons was issued may issue a warrant for the arrest of the debtor for the purpose of compelling attendance. Compelling attendance

23.—(1) Where the court is satisfied, upon the examination of the debtor under section 22, that the default was due to wilful refusal to pay, the court may impose a fine not exceeding \$1,000 or imprisonment for not more than three months or until the default is cured, or both a fine and imprisonment. Penalty for wilful default

(2) The imposition of a penalty under subsection 1 may be made conditional upon default in the performance of an undertaking and an order for imprisonment may provide for the imprisonment to be served intermittently. Conditions of sentence

24.—(1) If the court considers it appropriate upon the examination of the debtor under section 22, the court may make an attachment order directing the employer of the debtor to deduct from any remuneration of the debtor due at the time the order is served on the employer or thereafter due or accruing due such amount as is named in the order, not exceeding the maximum available for seizure or attachment under *The Wages Act*, and to pay the amounts deducted into court. Attachment of wages

R.S.O. 1970,
c. 486

(2) An order under subsection 1 has priority over any other seizure or attachment of wages arising before or after the service of the order. Priority of order

25. If the court considers it appropriate upon the examination of the debtor under section 22, the court may order the debtor to give security for the payment of support or charge any property of the debtor therewith. Security for payment

26. Where a marriage is terminated by a judgment absolute of divorce or declared a nullity and the question of support was not an issue in the divorce or nullity proceedings, an order for support made under this Part continues in force according to its terms. Effect of judgment for divorce or nullity

Right to
recover
expenses
of support

27. Any person who undertakes the support of another whom he does not have an obligation to support under this Part is entitled to recover his reasonable expenses therefor from any person who has an obligation to provide the support under this Part.

Arrears
payable by
estate

28. Where an order for support is terminated by the death of the person who has the obligation to provide the support, the liability for arrears under the order coming due and unpaid in the preceding twelve months is a debt of his or her estate.

Pledging
credit for
necessaries

29.—(1) During cohabitation, a spouse has authority to render himself or herself and his or her spouse jointly and severally liable to a third party for necessities of life, except where the spouse has notified the third party that he or she has withdrawn the authority.

Liability
for
necessaries
of minor

(2) Where a person is entitled to recover against a minor under sixteen years of age in respect of the provision of necessities, each parent who has an obligation to support the minor is liable therefor jointly and severally with the minor.

Recovery
between
persons
jointly
liable

(3) Where persons are jointly and severally liable with each other under this section, their liability to each other shall be determined in accordance with their obligation to provide support.

Common
law
supplanted

(4) The provisions of this section apply in place of the rules of common law by which a wife may pledge the credit of her husband.

Order
restraining
harassment

30. Upon application therefor, a judge of the county or district court or a judge of the High Court may make an order restraining the spouse of the applicant from molesting, annoying or harassing the applicant or children in the lawful custody of the applicant.

Custody of
children

31.—(1) Upon application, the court may order that either parent or any person have custody of or access to a child, in accordance with the best interests of the child and may at any time alter, vary or discharge the order.

Interim
orders

(2) Where an application is made under subsection 1, the court may make such interim order as the court considers appropriate.

Right of
dependants
to sue in
tort

32.—(1) Where a person is injured or killed by the fault or neglect of another under circumstances where the person is entitled to recover damages, or would have been entitled if not killed, the spouse, children, stepchildren, grandchildren, parents, stepparents, grandparents, brothers, sisters,

SECTION 27. Where a person is obliged to support another, but a third party provides necessities instead, the third party may recover from the person obliged to pay support.

SECTION 28. Only twelve months arrears of support may be recovered from the estate of a deceased person against whom a support order was made.

SECTION 29. While living together, either spouse may pledge the credit of the other for necessities unless this authority is specifically withdrawn by notice to the creditor. Both spouses are then jointly liable to the creditor. Similarly, under subsection 2, a creditor may recover necessities provided to a child under 16 from both the parents and the child. The liability as between the spouses, or between parent and child, is determined in accordance with need and ability to pay as set out in sections 12, 15 and 16.

Subsection 4 abolishes the common law agency of cohabitation and agency of necessity, which applied only in favour of a wife.

SECTION 30. This section provides a civil remedy to prevent a spouse from continually harassing and interfering with the other.

SECTION 31. This section provides for the making of a custody order or interim order in favour of either parent in the best interests of the child. The custody order need not be tied to a support order, as is now the case under section 3 of *The Deserted Wives' and Children's Maintenance Act*.

SECTION 32. This section replaces *The Fatal Accidents Act* and extends that Act to cover non-fatal injuries, as recommended by the Ontario Law Reform Commission in Part I of its Report on Family Law. It also replaces the actions for loss of consortium and loss of services of a child (see section 63). It is included in this Part as an aspect of the support of the family where one of their number is injured.

With the abolition of the husband's property in the services of his wife and the parent's property in the services of a child, and the creation of a new, qualified obligation of support under this Part, a new basis is created on which family members can recover expenses they incur for the benefit of an injured person. This section will allow them to recover the same kind of pecuniary loss, as can now be recovered under *The Fatal Accidents Act*.

Subsection 1 extends the right to claim to a broader class of related person than under *The Fatal Accidents Act*.

Subsection 2 codifies the case law under *The Fatal Accidents Act*.

Subsections 3 to 7 are based on the provisions of that Act and require all claimants to join in one action. Insurance payments are not to be considered in assessing damages. The \$800 limit on funeral expenses is removed to allow recovery of reasonable funeral expenses actually incurred.

SECTION 33. Appeals are provided for in Acts governing the Supreme Court and county courts. This section is necessary because *The Provincial Courts Act* does not contain provisions for appeals. The appeal procedure will be set out in the rules.

SECTION 34. This section gives a provincial court (family division) the power to punish contempt of its orders under this Part. The Supreme Court and county courts already have such power.

stepbrothers and stepsisters of the person are entitled to recover from the person whose fault or neglect caused the injury or death their pecuniary loss resulting from the injury or death, and to maintain an action for the purpose in a court of competent jurisdiction. R.S.O. 1970, c. 164, s. 3 (1), *amended*.

(2) In an action under subsection 1, the right to damages is subject to any apportionment of damages due to contributory fault or neglect of the person who was injured or killed. *New*. Contributory negligence

(3) Not more than one action lies under subsection 1 for and in respect of the same occurrence, and no such action shall be brought after the expiration of two years from the time the cause of action arose. R.S.O. 1970, c. 164, s. 5; 1975, c. 38, s. 1. One action and limitation of actions

(4) Where an action is commenced under subsection 1, the plaintiff may, in his statement of claim, name and join the claim of any other person who is entitled to maintain an action under subsection 1 in respect of the same injury or death and thereupon such person becomes a party to the action. Joining claims

(5) Each plaintiff who commences an action under this section shall file with the statement of claim an affidavit stating that to the best of his knowledge, information and belief the persons named in the statement of claim are the only persons who are entitled or claim to be entitled to damages under subsection 1. R.S.O. 1970, c. 164, s. 6 (1, 2), *amended*. Affidavit

(6) In assessing the damages in an action brought under this section, the court shall not take into account any sum paid or payable as a result of the death or injury under a contract of insurance. R.S.O. 1970, c. 164, s. 3 (2, 3), *amended*. Assessment of damages, insurance

(7) For the purposes of this section, damages may be awarded for reasonable expenses actually incurred for the burial of the person in respect of whose death the action is brought. Funeral expenses

33. An appeal lies from an order of the provincial court (family division) under this Part to the county or district court in the county or district in which the provincial court (family division) is situated. Appeal from provincial court (family division)

34. In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or by both, any wilful contempt of or Contempt of orders of provincial court (family division)

resistance to its process, rules or orders under this Part, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed three months.

PART III

MATRIMONIAL HOME

Interpre- tation	35. In this Part, "property" means real property and includes a home that is personal property.
Matrimonial home	36. —(1) The property in which a married person has an interest and that is or has been occupied by the married person and his or her spouse as their family residence is the matrimonial home.
Idem, where two or more	(2) Where two or more properties are matrimonial homes under subsection 1, only the two properties that are the principal family residences are the matrimonial homes.
Ownership	(3) The ownership of a share or of an interest in a share of a co-operative housing corporation entitling the owner to the occupation of a housing unit owned by the corporation shall be deemed to be the ownership of an interest in the unit for the purposes of subsection 1.
Residence on farmland, etc.	(4) Where the land on which a matrimonial home is situate is normally used for a purpose other than residential only, the matrimonial home includes only such portion of the land as may reasonably be regarded as necessary to the use and enjoyment of the residence.
Right to possession	37. Each spouse has an equal right to possession of the matrimonial home.
Consent to alienation	38. —(1) No spouse shall dispose of or encumber his or her interest in the matrimonial home without the consent of the other spouse in writing in the form prescribed by the regulations.
Setting aside transaction	(2) Where a spouse disposes of or encumbers his or her interest in the matrimonial home without the consent of the other required by subsection 1, the transaction may be set aside on an application under section 39 unless the person holding the interest at the time of the application acquired it for value, in good faith and without notice that the property was at the time of the disposition the matrimonial home.
Duty to inquire	(3) Where a person acquires an interest in property from a married person or from a person claiming under a pre-

SECTION 35. This Part extends to mobile homes, trailers, houseboats, etc.

SECTION 36. Where the family has two or more homes, this Part applies only to the two principal family residences. The definition of "matrimonial home" includes a home rented by the family and a unit in a co-operative housing development.

Where the property on which a matrimonial home is used for a purpose that is more than residential, such as for farming or other business purposes, only the surrounding land reasonably necessary for use of the residence is affected by this Part.

SECTION 37. Notwithstanding which spouse owns the home, both spouses are equally entitled to possession. The equal right to possession may be altered by a court order under section 40.

SECTIONS 38 AND 39. A spouse may not sell, lease, mortgage or otherwise deal with the matrimonial home without the written consent of the other spouse, regardless of whether one spouse is sole legal and beneficial owner of the home. If a spouse deals with the home without consent, the transaction can be set aside unless an innocent third party holds the interest at that time.

A third party acquiring an interest in the home is protected if the spouses both join in the transaction, the non-owning spouse's consent in writing is obtained, a court dispenses with the consent under section 39 or the owning spouse provides an affidavit that the property was never the matrimonial home.

The non-owning spouse is protected by requiring mortgagees and other lienholders to accept payment from and give notice to that spouse as if he or she were an owner.

SECTION 40. The court has power to grant exclusive possession of part or all of the home and contents, but is not to exercise the power unless satisfied that other provision for shelter is inadequate in the circumstances.

decessor in title who was at the time of the disposition by him a married person, and

(a) the spouse did not join in the transaction or consent thereto in writing; and

(b) the transaction was not authorized by court order,

the person acquiring the interest is put upon his inquiry to determine whether the property is or was the matrimonial home and shall be deemed to have made sufficient inquiry where, the married person has affirmed by statutory declaration that the property had never been occupied as the matrimonial home.

(4) Where a lien, encumbrance or execution exists against property that is a matrimonial home, the spouse who is not the owner is entitled to any right to make payment or receive notice to which the spouse who is the owner is entitled.

39. The court may, on the application of a spouse,

Rights
against
lienholders

Powers of
court
respecting
alienation

(a) determine whether or not property is the matrimonial home and, if so, its extent;

(b) authorize the disposition or encumbrance of the matrimonial home where the court finds that the spouse whose consent is required,

(i) cannot be found or is not available,

(ii) is not capable of giving or withholding consent, or

(iii) is unreasonably withholding consent,

subject to such terms and conditions including provision of other comparable accommodation or payment in place thereof as the court considers appropriate;

(c) direct the setting aside of any transaction disposing of or encumbering an interest in the matrimonial home without the required consent and the revesting of the interest or any part of the interest upon such terms and subject to such conditions as the court considers proper.

40.—(1) Notwithstanding the ownership of a matrimonial home and its contents, and notwithstanding section 37, the court on application may by order,

Order for
possession
of matri-
monial home

- (a) direct that one spouse be given exclusive possession of the matrimonial home or part thereof for life or for such lesser period as the court directs;
- (b) direct that the contents of the matrimonial home or any part thereof remain in the home for the use of the person given possession;
- (c) authorize the disposition or encumbrance of the interest of a spouse in the matrimonial home subject to the right to exclusive possession of the other spouse as ordered.

Temporary
possession

(2) An order may be made under subsection 1 for temporary relief or pending the bringing or disposition of another application under this Act.

Other
provision
for shelter

(3) An order for possession shall not be made under clause *a* of subsection 1 unless, in the opinion of the court, other provision for shelter is not adequate in the circumstances.

Interim
order for
preservation
of property

41. In an application under this Part, the court may make such interim order as it considers necessary for the delivering up, safekeeping and preservation of the matrimonial home or its contents.

Registration
of order
R.S.O. 1970,
cc. 409, 234

42. An order made under this Part is registrable against land under *The Registry Act* and *The Land Titles Act*.

Application
of Part

43.—(1) This Part applies to matrimonial homes that are situated in Ontario.

Idem

(2) This Part applies notwithstanding that,

- (a) the spouses entered into the marriage before this Part comes into force; or
- (b) the matrimonial home was acquired before this Part comes into force,

but does not apply where an application for possession of a matrimonial home was commenced before this Part comes into force.

PART IV

MARRIAGE CONTRACTS

Interpre-
tation

44. In this Part, "marriage contract" means an agreement referred to in subsection 1 of section 45.

Marriage
contracts

45.—(1) Two persons may enter into an agreement, before or during their marriage, in which they agree on their respective rights and obligations under the marriage or upon

SECTION 42. An order for possession may be registered against the land so as to provide notice to third parties.

SECTION 43. This Part applies to all matrimonial homes in Ontario, whether or not the spouses have a marriage contract (see section 46) and whether or not the spouses are otherwise subject to Ontario property law (see section 10). This Part covers persons married and matrimonial homes acquired before this Act comes into force, except where a spouse has applied for an order for possession before this Act is in effect.

SECTION 45. This section overcomes the common law rule which held that marriage contracts contemplating a future separation or divorce were void. Marriage contracts are defined so as to include separation agreements.

Court approval must be given to the marriage contract of a minor capable of entering into a marriage. Similarly, court approval is required where a committee enters into a marriage contract on behalf of a spouse who becomes mentally incompetent.

SECTION 46. Neither spouse may contract out of his or her rights in the matrimonial home or waive the right to support with respect to necessities, where this would result in a claim for public assistance. Any provision in a marriage contract respecting a child is to be enforced only if in the child's best interests. Subsection 4 invalidates a *dum casta* clause. A marriage contract or any provision in it may be set aside where fraud, duress or undue influence has been exercised.

Where a provision is held void, the remainder of the contract can still be enforced.

separation or the annulment or dissolution of the marriage or upon death, including,

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children;
- (d) the right to custody of their children; and
- (e) any other matter in the settlement of their affairs.

(2) A marriage contract and any agreement to amend or rescind a marriage contract are not binding unless made in writing and signed by the persons to be bound and witnessed. Form of contract

(3) A minor who has capacity to contract marriage has capacity to enter into a marriage contract that is approved by the court, whether the approval is given before or after the contract is entered into. Capacity of minor

(4) The committee of a person who is mentally incompetent or, if the committee is the spouse of such person or if there is no committee, the Public Trustee may, subject to the approval of the court, enter into a marriage contract or give any waiver or consent under this Act on behalf of the mentally incompetent person. Agreement on behalf of mentally incompetent

46.—(1) Any provision in a marriage contract purporting to limit the rights of a spouse under Part III in respect of the matrimonial home is void. Rights re matrimonial home excepted

(2) Where the provision for support in a marriage contract, or the waiver of the right to support, results in circumstances in which the spouse qualifies for an allowance for support out of public money, the court may proceed under Part II notwithstanding the waiver or agreement. Insufficient provision for support

(3) In the determination of any matter respecting the support, education, moral training or custody of a child, the court may disregard any provision of a marriage contract pertaining thereto where, in the opinion of the court, to do so is in the best interests of the child. Subject to best interests of child

(4) A provision in a marriage contract whereby any right of a spouse is dependent upon remaining chaste is void. Dum casta clauses

(5) In the determination of an application under this Act, the court may disregard any provision of a marriage contract where, in the opinion of the court, it is entered into by fraud or under duress or undue influence. Fraud, duress, etc.

Severability

(6) Any provision of a marriage contract that is void or disregarded under this section shall be deemed to be severable from the other provisions of the contract.

Rights of donors of gifts upon marriage

47. Where a marriage contract provides that specific gifts made to one or both spouses are not disposable without the consent of the donor, the donor shall be deemed to be a party to the contract for the purpose of the enforcement or any amendment of the provision.

Contracts made outside Ontario

48. The manner and formalities of making a marriage contract and its intrinsic validity and effect are governed by the proper law of the contract, except that,

- (a) a marriage contract for which the proper law is that of a jurisdiction other than Ontario, is also valid and enforceable in Ontario if entered into in accordance with the internal law of Ontario; and
- (b) section 46 applies in Ontario to contracts for which the proper law is that of a jurisdiction other than Ontario.

PART V

AMENDMENTS TO THE COMMON LAW AND STATUTE LAW

Unit of legal personality abolished

49.—(1) For all purposes of the Law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband.

Capacity of married person

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. 1975, c. 41, s. 1 (1, 2).

Idem

- (3) Without limiting the generality of subsections 1 and 2,
 - (a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;
 - (b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman; 1975, c. 41, s. 1 (3), *part.*
 - (c) the same rules shall be applied to determine the domicile of a married woman as for a married man.

Purpose of subss. 1, 2

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and

SECTION 47. Where a third party makes a gift to either or both spouses, subject to the condition that they do not dispose of it without his consent, and this provision is contained in a marriage contract, the person making the gift can enforce the provision notwithstanding that he was not a party to the original contract.

SECTION 48. A marriage contract may be subject to foreign law. If it is valid under either the foreign law or Ontario law, it will be recognized in Ontario. However, no marriage contract will be enforced to the extent that it contradicts section 46.

SECTION 49. This section formerly appeared as section 1 (1, 2, 4) of *The Family Law Reform Act, 1975*. Subsection 3 (c) is new.

SECTION 50. This section formerly appeared as section 3 of *The Family Law Reform Act, 1975*.

SECTION 51. This section formerly appeared as section 4 of *The Family Law Reform Act, 1975*.

SECTION 52. The domicile of a minor is no longer dependent automatically on the domicile of the father alone. A minor who is or has been married is capable of acquiring a domicile as if an adult.

SECTION 53. This section abolishes several old and little used common law actions, as recommended by the Ontario Law Reform Commission in Part I of its Report on Family Law. The loss of consortium and loss of services actions are replaced by section 32. Subsection 5 results from the abolition of the seduction action.

married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed. 1975, c. 41, s. 1 (4).

50. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child. 1975, c. 41, s. 3. Actions between parent and child

51. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth. 1975, c. 41, s. 4. Recovery for prenatal injuries

52.—(1) Subject to subsection 2, a child who is a minor, Domicile of minors

(a) takes the domicile of his or her parents, where both parents have a common domicile;

(b) takes the domicile of the parent with whom the child habitually resides, where the child resides with one parent only;

(c) takes the domicile of the father, where the domicile of the child cannot be determined under clause *a* or *b*; or

(d) takes the domicile of the mother, where the domicile of the child cannot be determined under clause *c*.

(2) The domicile of a minor who is or has been a spouse shall be determined in the same manner as if the minor were of full age. Idem

53.—(1) No action shall be brought for criminal conversation or for any damages resulting therefrom or from adultery. Criminal conversation abolished

(2) No action shall be brought by a married person for the enticement or harbouring of the spouse of such person or for any damages resulting therefrom. Enticement and harbouring of spouse abolished

(3) No action shall be brought by a married person for the loss of the consortium of his or her spouse or for any damages resulting therefrom. Loss of consortium abolished

(4) No action shall be brought by a parent for the enticement, harbouring, seduction or loss of services of his child or for any damages resulting therefrom. Enticement, harbouring, seduction, loss of services of child abolished

R.S.O. 1970,
c. 428;
1971, c. 98,
Sched.,
par. 30,
repealed

(5) *The Seduction Act*, being chapter 428 of the Revised Statutes of Ontario, 1970 and paragraph 30 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 228, s. 59,
amended

(6) Section 59 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "criminal conversation, seduction" in the first line.

Dower
abolished

54.—(1) The common law right of a widow to dower is hereby abolished.

R.S.O. 1970,
c. 135;
1971, c. 98,
Sched.,
par. 11,
repealed

(2) *The Dower Act*, being chapter 135 of the Revised Statutes of Ontario, 1970, and paragraph 11 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 152, s. 28 (2),
repealed

(3) Subsection 2 of section 28 of *The Execution Act*, being chapter 152 of the Revised Statutes of Ontario, 1970, is repealed.

Vested
right to
dower

(4) Subsections 1, 2 and 3 do not apply in respect of a right to dower that has vested before subsections 1 and 2 come into force.

Refund of
indemnity
held by
accountant
for dower

(5) Where money has been paid into court as an indemnity in respect of a right to dower that has not vested before this section comes into force, the husband of the person in respect of whose dower right the money was paid into court is entitled to be paid the money upon application to the accountant of the court, without order.

Alimony
abolished

55. The right of a married woman to alimony under any law existing before this section comes into force is hereby abolished.

R.S.O. 1970,
c. 67;
1971, c. 98,
s. 18 (2),
repealed

56. *The Children's Maintenance Act*, being chapter 67 of the Revised Statutes of Ontario, 1970 and subsection 2 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 128,
1971, c. 98,
s. 18 (1);
1973, c. 133,
repealed

57. *The Deserted Wives' and Children's Maintenance Act*, being chapter 128 of the Revised Statutes of Ontario, 1970, subsection 1 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, and *The Deserted Wives' and Children's Maintenance Amendment Act, 1973*, being chapter 133, are repealed.

SECTION 54. Because of the rights conferred on husbands and wives under Parts I and III, dower is abolished. Subsection 4 preserves vested rights of dower where the husband dies before this Act comes into force. Where money has been paid into court in respect of an inchoate dower interest, the husband is entitled to recover the money. Subsections 2 and 3 repeal statutory references to dower.

The widower's right of curtesy is abolished by section 50 of *The Succession Law Reform Act, 1976* (Bill 85).

SECTION 55. The alimony action is abolished, as it is replaced by Part II. Applications to vary existing alimony orders are to be made under section 17.

SECTION 56. *The Children's Maintenance Act* is replaced by Part II.

SECTION 57. *The Deserted Wives' and Children's Maintenance Act* is replaced by Part II.

SECTION 58. *The Employment Standards Act, 1974* is amended to extend the protection against dismissal or suspension in respect of garnishment of wages to cover attachment of wages under section 24 of this Act.

SECTION 59. Sections 1 to 4 of *The Family Law Reform Act, 1975* are incorporated in or replaced by this Act. See sections 7, 8, 49, 50 and 51.

SECTION 60. *The Fatal Accidents Act* is incorporated in section 32.

SECTION 61. Provisions of *The Infants Act* relating to support and marriage contracts are repealed, as they are replaced by Part II and Part IV, respectively.

SECTION 62. The repeal of section 81 of *The Judicature Act*, which allows the registration of alimony orders against land, results from the abolition of alimony in section 54.

SECTION 63. The remaining sections of *The Married Women's Property Act* are repealed, as they are replaced by section 7.

SECTION 64. Provisions of *The Matrimonial Causes Act* relating to support on the annulment of a marriage are repealed, as they are replaced by Part II.

SECTION 65. *The Parents' Maintenance Act* is replaced by Part II.

58. Section 9 of *The Employment Standards Act, 1974*, 1974, c. 122, s. 9, being chapter 112, is repealed and the following substituted therefor: re-enacted

9. No employer shall dismiss or suspend an employee on the ground that garnishment proceedings are or may be taken against the employee or that an attachment order under section 24 of *The Family Law Reform Act, 1976* has been or may be made against the employee. Garnishment or attachment of wages
1976, c. ...

59. Sections 1, 2, 3 and 4 of *The Family Law Reform Act, 1975*, being chapter 41, are repealed. 1975, c. 41, ss. 1-4, repealed

60. *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, *The Fatal Accidents Amendment Act, 1973*, being chapter 16, and *The Fatal Accidents Amendment Act, 1975*, being chapter 38, are repealed. R.S.O. 1970, c. 164; 1973, c. 16; 1975, c. 38, repealed

61. Subsection 4, subsection 4a as enacted by the Statutes of Ontario, 1971, chapter 98, section 18, and subsection 5 of section 1, subsection 2 of section 2 and sections 10 and 13 of *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, and subsection 3 of section 18 and subparagraph 1 of paragraph 14 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed. R.S.O. 1970, c. 222, amended; 1971, c. 98, s. 18 (3), Sched., par. 14, subpar. 1, repealed

62.—(1) Subject to subsection 2, section 81 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 228, s. 81, repealed

(2) The provision repealed by subsection 1 remains in force in respect of a judgment for alimony in an action commenced before this section comes into force. Continuance for existing judgments

63. Sections 1 and 12 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 1, 12, repealed

64. Sections 1, 2, 3, 4, 5 and 8 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970 and subsection 4 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed. R.S.O. 1970, c. 265, ss. 1-5, 8; 1971, c. 98, s. 18 (4), repealed

65. *The Parents' Maintenance Act*, being chapter 336 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 336, repealed

R.S.O. 1970,
c. 342,
s. 24,
amended

66. Section 24 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970 is amended by adding thereto the following subsection:

Application
of subs. 1

(2) Subsection 1 does not apply to the execution, seizure or attachment of moneys payable under a pension plan in satisfaction of an order for support under *The Family Law Reform Act, 1976*.

1976, c. ...

R.S.O. 1970,
c. 369, s. 25,
repealed

67.—(1) Subject to subsection 2, section 25 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is repealed.

Continu-
ance for
existing
judgments

(2) The provision repealed by subsection 1 remains in force in respect of a judgment or order for alimony or maintenance made in an action commenced before this section comes into force.

R.S.O. 1970,
c. 444, s. 4,
amended

68. Section 4 of *The Statute of Frauds*, being chapter 444 of the Revised Statutes of Ontario, 1970, is amended by striking out "any agreement made upon consideration of marriage, or upon" in the fifth and sixth lines.

Application
of ss. 53, 55, 56,
57, 60 (1), 61, 63,
64, 65

69. Sections 53, 55, 56 and 57, subsection 1 of section 60 and sections 61, 63, 64 and 65 apply in all cases when they come into force except in cases where an action or proceeding was commenced under the abolished, repealed or amended provision before that date.

Commence-
ment

70. This Act comes into force on the 1st day of July, 1977.

Short title

71. This Act may be cited as *The Family Law Reform Act, 1976*.

SECTION 66. *The Pension Benefits Act* is amended to make pensions available to satisfy a support order.

SECTION 67. The repealed provision allows support orders made in Supreme Court to be filed for enforcement in the provincial court (family division). This is provided for in section 21. The repealed provision remains in force for orders made in actions begun before this Act comes into force.

SECTION 68. The provision of *The Statute of Frauds* relating to marriage contracts is replaced by section 45 (2).

SECTION 69. No action or proceeding under the repealed or abolished provisions may be begun after this Act comes into force.





An Act to reform the Law respecting
Property Rights and Support Obligations
between Married Persons and in other
Family Relationships

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. R. McMurtry
Attorney General

(*Government Bill*)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Marriage Act, 1976

THE HON. R. McMURTRY
Attorney General

TORONTO

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EXPLANATORY NOTE

The Bill revises *The Marriage Act* for the purpose of implementing some of the recommendations of the Ontario Law Reform Commission made in Part II of its Report on Family Law (Marriage) and also to implement certain administrative improvements.

The principal changes are:

1. The Act only applies to the first marriage ceremony and permits additional ceremonies by the same couple. (s. 1 (2)).
2. The requirement of fifteen days residence is deleted.
3. The present provision permitting a marriage under 14 years of age to legitimate a child is deleted. (s. 5 (2)).
4. The duty of performing civil marriages now performed by provincial judges and county and district court judges is extended to justices of the peace and other designated persons. (s. 24).
5. The action for breach of promise of marriage is abolished. (s. 32)
6. The question of fault is removed from consideration of the question of entitlement to gifts made in contemplation of or conditional upon marriage. (s. 33)

The procedural forms and prescribing of fees are moved from the Act to be provided by regulations.

BILL 141

1976

The Marriage Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "band" means a band as defined in the *Indian Act* (Canada); R.S.C. 1970,
c. I-6
- (b) "church" includes chapel, meeting-house or place set aside for religious worship;
- (c) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada);
- (d) "issuer" means a person authorized under this Act to issue marriage licences;
- (e) "judge" means a provincial judge or the judge of a county or district court;
- (f) "licence" means a marriage licence issued under this Act;
- (g) "Minister" means the Minister of Consumer and Commercial Relations;
- (h) "prescribed" means prescribed by the regulations;
- (i) "regulations" means the regulations made under this Act;
- (j) "reserve" means a reserve as defined in the *Indian Act* (Canada). R.S.O. 1970, c. 261, s. 1; 1972, c. 1, s. 44 (1-3), *amended*.

Application
of Act to
subsequent
ceremonies

(2) This Act does not apply in respect of any ceremony or form of marriage gone through by two persons who are married to each other by a marriage previously solemnized in accordance with this Act. *New.*

Administra-
tion

2. The administration of this Act is under the direction of the Minister.

Delegation
by Minister

3. With the consent of the Minister, the Deputy Minister of Consumer and Commercial Relations may have, use and exercise any power, right or authority conferred by this Act on the Minister. 1972, c. 1, s. 44 (3).

Authority
to marry

4. No marriage may be solemnized except under the authority of a licence issued in accordance with this Act or the publication of banns. R.S.O. 1970, c. 261, s. 4 (1), *amended.*

Who may
marry

5.—(1) Any person who is of the age of majority may obtain a licence or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. R.S.O. 1970, c. 261, s. 5 (1), *amended.*

Idem

(2) No person shall issue a licence to a minor, or solemnize the marriage of a minor under the authority of the publication of banns, except where the minor is of the age of fourteen years or more and has the consent in writing of both parents.

Giving of
consent

(3) The consent referred to in subsection 2 is not required in respect of a person who is a widow, widower or divorced.

Idem

(4) Where one of the parents of a minor is dead or both parents are living apart, the consent required by subsection 2 may be given by the parent having actual or legal custody of the minor.

Idem

1974, c. 2

(5) Where both parents of a minor are dead or are voluntary or involuntary patients in a psychiatric facility, or are residents of a facility under *The Developmental Services Act, 1974*, the consent required by subsection 2 may be given by a lawfully appointed guardian or an acknowledged guardian who has brought up or who for the three years immediately preceding the intended marriage has supported the minor.

Idem

(6) Where a minor is made a ward of someone other than a parent by order of a court or under any Act, the consent required by subsection 2 may be given by the lawful guardian of the minor or person responsible for exercising the rights and duties of a guardian of the minor. R.S.O. 1970, c. 261, ss. 7, 8, *amended.*

6.—(1) Where a person whose consent is required by section 5 is not available or unreasonably or arbitrarily withholds his consent, the person in respect of whose marriage the consent is required may apply to a judge without the intervention of a next friend for an order dispensing with the consent.

Application
to dispense
with consent

(2) The judge shall hear the application in a summary manner and may, in his discretion, make an order dispensing with the consent required by section 5. R.S.O. 1970, c. 261, s. 9, *amended*.

Powers of
judge

7. No person shall issue a licence to or solemnize the marriage of any person whom he knows or has reasonable grounds to believe is mentally ill or mentally defective or under the influence of intoxicating liquor or drugs. R.S.O. 1970, c. 261, s. 6, *amended*.

Persons
mentally ill
or under
influence

8.—(1) An applicant for a licence who has been previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act.

Where dis-
solution of
former
marriage
recognized
in Ontario

(2) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

Material to
be filed with
issuer where
dissolution
in Canada

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

(3) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Minister is obtained upon the deposit of such material as he may require.

Where
dissolution,
etc., outside
Canada

(4) Where an application for a licence by a person claiming to be entitled to be issued a licence under subsection 1 is refused by an issuer, or the Minister refuses to issue an authorization under subsection 3, such person may make an application for judicial review under *The Judicial Review Procedure Act*, 1971 to the Supreme Court for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

Review of
refusal to
issue
licence

1971, c. 48

Parties (5) The applicant, the Minister and such other persons as the court may order are parties to an application under subsection 4.

Issue of licence under court order (6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence. 1971, c. 50, s. 55 (1).

Application for presumption of death **9.—(1)** A married person whose spouse is missing and who alleges,

(a) that his spouse has been continuously absent for at least seven years immediately preceding the application;

(b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and

(c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to the judge of a county or district court for an order under this section.

Order (2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead. R.S.O. 1970, c. 261, s. 11 (1, 2).

Remarriage authorized (3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or solemnizing the marriage together with an affidavit in the prescribed form.

Effect of order (4) The order has no effect for any purpose other than the issuance of a licence under subsection 3. R.S.O. 1970, c. 261, s. 11 (3, 4), *amended*.

Discretionary power of Minister **10.** Notwithstanding anything in this Act, if the Minister considers that circumstances justify the issue of a licence in any particular case, he may, in his absolute discretion, authorize the issue of the licence. R.S.O. 1970, c. 261, s. 10, *amended*.

11.—(1) Marriage licences may be issued by the clerk of ^{Issuers} every city, town and village.

(2) Where it is considered expedient for the public convenience, the Lieutenant Governor in Council may appoint as an issuer the clerk of any township, or any person resident in a county, or in a township adjacent thereto, or in a provisional judicial district, or a member of a band upon the recommendation of the council of the band. R.S.O. 1970, c. 261, s. 30, *amended*. ^{In townships and unorganized territory}

(3) An issuer may, with the approval in writing of the Minister or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting has the power of the issuer appointing him. ^{Deputy issuers}

(4) The issuer shall, upon appointing a deputy, forthwith transmit to the Minister a notice of the appointment, and of the name and official position of the person by whom the appointment has been approved, and the Minister may at any time cancel the appointment. ^{Notice of appointment of deputy}

(5) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner: ^{Signature of licences by deputy}

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1970, c. 261, s. 31.

12.—(1) An issuer or the Minister may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence. R.S.O. 1970, c. 261, s. 33, *amended*. ^{Evidence on applications}

(2) Where an issuer has reason to believe that any information set out in an application for a licence is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1970, c. 261, s. 35, *amended*. ^{Untrue information}

13.—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage. ^{Record of licences}

(2) Any person is entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1970, c. 261, s. 34. ^{Searches}

Material to be
forwarded to
Registrar
General

14. Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar General,

- (a) any consent or certificate of a medical practitioner under section 5;
- (b) any judge's order under section 6;
- (c) any judge's order or affidavit under section 9;
- (d) any documentary or other material filed on the application for a licence under section 8;
- (e) any affidavit as to age;
- (f) any documentary material obtained under section 12. R.S.O. 1970, c. 261, s. 36, *amended*.

Oaths

15. Issuers may administer oaths for the purposes of this Act. R.S.O. 1970, c. 261, s. 37.

Indians

16. Where both parties to an intended marriage are Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario no fee shall be charged for the licence. R.S.O. 1970, c. 261, s. 39, *amended*.

Publication
of banns

17.—(1) Where a marriage is to be solemnized under the authority of publication of banns, the intention to marry shall be proclaimed openly in an audible voice during divine service,

- (a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or
- (b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church.

Method and
time of
publication

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service.

Exception

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service, the banns shall be published on such other day.

Proof

(4) The person or persons who publish banns shall certify proof thereof in the prescribed form. R.S.O. 1970, c. 261, s. 15, *amended*.

18. Banns shall not be published where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled. R.S.O. 1970, c. 261, s. 18, *amended*. Where banns not to be published

19. Form 1 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns. R.S.O. 1970, c. 261, s. 45 (1), *amended*. Prohibited degrees to be endorsed

20.—(1) No person shall solemnize a marriage unless he is authorized by or under section 24 or is registered under this section as a person authorized to solemnize marriage. Who may solemnize marriage

(2) Upon application the Minister may, subject to subsection 3, register any person as a person authorized to solemnize marriage. Application for registration

(3) No person shall be registered unless it appears to the Minister, Who may be registered

(a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;

(b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;

(c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and

(d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Minister may register him as authorized to solemnize marriage during a period to be fixed by the Minister.

(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1970, c. 261, s. 22, *amended*. Quakers

Register

21.—(1) The Minister shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he considers advisable.

Certificate of registration

(2) The Minister may issue a certificate of registration under this section in the prescribed form. R.S.O. 1970, c. 261, s. 23.

Cancellation of registration

22.—(1) Where it appears to the Minister that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Minister may cancel such registration.

Notice of change

(2) Every religious body, members of which are registered under this Act, shall notify the Minister of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. R.S.O. 1970, c. 261, s. 24.

Publication of registration and cancellation

23. When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Minister shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1970, c. 261, s. 25.

Civil marriage

24.—(1) A judge, a justice of the peace or any other person of a class designated by the regulations may solemnize marriages under the authority of a licence.

Form of ceremony

(2) No particular form of ceremony is required except that in some part of the ceremony, in the presence of the person solemnizing the marriage and witnesses, each of the parties shall declare:

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take you, CD, to be my lawful wedded wife (or husband),

after which the person solemnizing the marriage shall say:

I, EF, by virtue of the powers vested in me by *The Marriage Act, 1976*, do hereby pronounce you AB and CD to be husband and wife.

R.S.O. 1970, c. 261, s. 26, *amended*.

Attendance of parties and witnesses

25. Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 28. R.S.O. 1970, c. 261, s. 20.

26. No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1970, c. 261, s. 17. Proof of publication

27.—(1) A marriage shall not be solemnized under the authority of a licence earlier than the third day after the date of the issue of the licence, but the Minister in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1970, c. 261, s. 14, *amended*. Waiting period: under licence

(2) A marriage shall not be solemnized under the authority of publication of banns, earlier than the fifth day after the date of the publication of banns. R.S.O. 1970, c. 261, s. 16, *amended*. Idem: under banns

(3) A marriage shall be solemnized only within the three months immediately following the issue of the licence or the publication of banns, as the case may be. R.S.O. 1970, c. 261, s. 19, *amended*. Time within which marriage to be solemnized

28.—(1) Every person shall immediately after he has solemnized a marriage, Entry in marriage register

- (a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or
- (b) where the marriage was solemnized elsewhere than in the church, enter in a register kept by him for the purpose,

the particulars prescribed by the regulations, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1970, c. 261, s. 27, *amended*.

(2) Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence or publication of banns. R.S.O. 1970, c. 261, s. 21, *amended*. Marriage certificate

29.—(1) Every person registered as authorized to solemnize marriage who is in charge of a church that does not have a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality. Church marriage registers

Individual registers

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized territory

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Minister who shall supply such register.

Supply of registers

(4) The Minister shall supply a marriage register to every person authorized to solemnize marriage by or under section 24.

Property in registers

(5) Every marriage register supplied under subsection 1, 2 or 3 is the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 is the property of the Crown. R.S.O. 1970, c. 261, s. 28, *amended*.

Protection of persons solemnizing marriage in good faith

30. No person who solemnizes or purports to solemnize a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1970, c. 261, s. 44.

Marriages solemnized in good faith

31. If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence. R.S.O. 1970, c. 261, s. 46.

Breach of promise of marriage abolished

32.—(1) No action shall be brought for a breach of a promise to marry or for any damages resulting therefrom.

Application of subs. 1

(2) Subsection 1 does not apply in respect of actions for breach of promise to marry or damages resulting therefrom commenced before the day on which this Act comes into force. *New.*

Recovery of gifts made in contemplation of marriage

33. Where one person makes a gift to another in contemplation of or conditional upon their marriage to each other and the marriage fails to take place or is abandoned, the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift. *New.*

34. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing forms for the purposes of this Act and providing for their use, and requiring any matter therein to be verified by affidavit;
- (b) prescribing any matter required by this Act to be prescribed by the regulations;
- (c) requiring the payment of fees in respect of any matter required or authorized to be done under this Act, and providing for the retention of fees or any portion thereof by issuers and persons solemnizing marriages or any class of them and for the commutation of such fees;
- (d) requiring issuers and persons authorized to solemnize marriages to furnish such information and returns as is prescribed;
- (e) amending Form 1 to make it conform to the law for the time being;
- (f) designating classes of persons authorized to solemnize marriages under section 24. *New.*

35.—(1) Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. Penalty:
false
statements

(2) Every person who contravenes any provision of this Act for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 261, ss. 47-52, *amended*. Idem:
general

36. The following are repealed:

Repeals

- 1. *The Marriage Act*, being chapter 261 of the Revised Statutes of Ontario, 1970.
- 2. *The Marriage Amendment Act, 1972*, being chapter 32.
- 3. Section 55 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

4. Section 44 of *The Government Reorganization Act, 1972*, being chapter 1.

Commence-
ment

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

38. This Act may be cited as *The Marriage Act, 1976*.

FORM 1

(Section 19)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
5. Wife's aunt
6. Mother
7. Step mother
8. Wife's mother
9. Daughter
10. Wife's daughter
11. Son's wife
12. Sister
13. Granddaughter
14. Grandson's wife
15. Wife's granddaughter
16. Niece
17. Nephew's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Husband's uncle
6. Father
7. Step father
8. Husband's father
9. Son
10. Husband's son
11. Daughter's husband
12. Brother
13. Grandson
14. Granddaughter's husband
15. Husband's grandson
16. Nephew
17. Niece's husband

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

R.S.O. 1970, c. 261, Form 10, *amended*.



The Marriage Act, 1976

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

MR. BULLBROOK

EXPLANATORY NOTE

This Bill permits public health nurses and any other employees of a public health unit to avoid a strike or lock-out and consequent disturbance of service to the community by permitting their trade union to elect to arbitrate any collective bargaining dispute.

BILL 142

1976

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospital Labour Disputes Arbitration Act*, ^{s. 1, amended} being chapter 208 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(5) A health unit, as defined in *The Public Health Act*, ^{Conditions under which health unit deemed to be a hospital} shall be deemed to be a hospital for the purposes of this Act, if, prior to the appointment of a conciliation officer under section 15 of *The Labour Relations Act*, a trade union or council of trade unions that acts for or purports to act for the employees of a health unit elects to effect a collective agreement by arbitration in accordance with this Act and gives notice thereof in writing to the employer of the affected employees and the Minister. ^{R.S.O. 1970, cc. 377, 232}
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1976*. ^{Short title}

An Act to amend
The Hospital Labour Disputes
Arbitration Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Toxic and Hazardous Substances**

MR. LEWIS

EXPLANATORY NOTE

The purpose of the Bill is,

- (1) to require that every unknown substance, mixture, chemical process, or industrial process be tested for toxic or hazardous characteristics by an independent research organization before it is introduced into the work place;
- (2) where toxic or hazardous characteristics are found through the testing procedure, the Minister can prohibit, severely limit or place conditions on its introduction;
- (3) to require an annual audit of the use by amount of toxic or hazardous substances and mixtures in each work place.

BILL 143

1976

An Act respecting Toxic and Hazardous Substances

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "approved" means approved by the Minister;
- (b) "Minister" means the Minister of Labour;
- (c) "prescribe" means prescribe by regulation.

2. The Minister shall,

Minister
to prescribe
testing,
labelling and
examining
requirements

- (a) approve research organizations for testing and prescribe requirements with respect to the testing, labelling and examining of all new substances, mixture of substances, chemical processes and industrial processes whose toxic or hazardous characteristics are unknown; and
- (b) prescribe conditions as to the manner in which certain classes shall dispose of substances, mixture of substances, chemical processes and industrial processes that may cause or contribute to an unreasonable health risk.

3. All testing shall be performed by an approved, independent research organization and the costs of such testing shall be borne by the manufacturer, processor or distributor.

Testing

4. No employer shall introduce into a working place any new substance, mixture, chemical process or industrial process the toxic or hazardous characteristics of which are unknown, without filing a notice of intent to introduce same with the Minister and receiving the written approval of the Minister therefor.

Condition
precedent
to the
introduction
of unknown
substances,
etc.

Condition
precedent to
obtaining
ministerial
approval

5. Prior to receiving the Minister's approval for the introduction into a working place of any new substance, mixture of substances, chemical process or industrial process the toxic or hazardous characteristics of which are unknown, each manufacturer, processor or distributor shall provide the Minister with the test result relating to the substance, mixture of substances, chemical process or industrial process.

Test
results

6. Where testing results indicate that the new substance, mixture of substances, chemical process or industrial process may cause or contribute to an unreasonable health risk, the Minister shall qualify or refuse his approval for its introduction into a working place and,

- (a) prohibit the manufacturing, processing, distributing and use of such substance, mixture of substances, chemical process or industrial process; or
- (b) limit the manufacturing, processing, distributing and use of such substance, mixture of substances, chemical process or industrial process,
 - (i) as to amount,
 - (ii) to a particular use, or
 - (iii) to a concentration level specified by the Minister; or
- (c) require that such substance, mixture of substances, chemical process or industrial process be marked with or accompanied by clear and adequate warnings and instructions as to its use and disposal.

Requirement
for annual
audit of
use by
mass

7. Each manufacturer and processor using toxic or hazardous substances or mixtures shall conduct an annual audit of use by mass of substances and mixtures and file a copy of such audit with the Minister.

Duty to
maintain
records

8. Each manufacturer and processor of toxic or hazardous substances, mixtures or processes shall maintain complete records of the manufacturing and processing methods used in manufacturing and processing such substances and mixtures.

Prohibition
where toxic
character-
istics
unknown

9. No person shall commercially manufacture, process or distribute any new substance, mixture of substances, chemical process or industrial process the toxic or hazardous characteristics of which are unknown.

10. No person shall commercially manufacture, process or distribute any new substance, mixture of substances, chemical process or industrial process the toxic or hazardous characteristics of which have not been tested as prescribed. Prohibition where toxic characteristics untested

11. Subject to section 6, no person shall commercially manufacture, process or distribute any new substance, mixture of substances, chemical process or industrial process the toxic or hazardous characteristics of which are known to be toxic or hazardous. Limitation where toxic characteristics proven hazardous

12.—(1) Every person who,

Offence

(a) contravenes any of the provisions of this Act;

(b) fails to comply with any order made under this Act; or

(c) contravenes any provision of the regulations,

and every director or officer of a corporation who knowingly concurs in such contravention or failure is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein. Corporations

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. This Act may be cited as *The Toxic and Hazardous Substances Act, 1976*. Short title





An Act respecting
Toxic and Hazardous Substances

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the Collection of
Occupational Health Data**

MR. LEWIS

EXPLANATORY NOTE

This Bill provides for the centralized collection of an individual worker's exposures to toxic or hazardous substances, processes and physical agents throughout his entire working life so that an accurate record is available for research into health effects on differing levels of exposures.

BILL 144

1976

An Act respecting the Collection of Occupational Health Data

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Labour;

(b) "Ministry" means the Ministry of Labour;

(c) "prescribe" means prescribe by regulation.

2. The Minister may enter into an agreement with the Government of Canada or the government of any province of Canada or any agency of such government to provide an exchange or joint collection of statistical information relating to personal exposures of individual employees to toxic or hazardous substances, processes and physical agents.

Agreement re
exchange of
information
or joint
collection of
information

3. The Minister may collect statistical information relating to personal exposures of individual employees to toxic or hazardous substances, processes and physical agents with the minister of any other ministry, department or government.

Collecting
information
in conjunc-
tion with
another
minister

4. The Minister shall collect, compile, analyze and publish statistical data relating to information collected on exposures of employees to toxic or hazardous substances, processes and physical agents.

Minister
to collect,
compile and
publish
information

5. Every employer shall collect quarterly and compile and forward to the Ministry accurate statistical information in the form and manner prescribed by the Minister relating to,

Employer
to make
quarterly
report

(a) the monitoring of readings of levels of individual worker's exposures to toxic or hazardous substances, processes and physical agents;

- (b) the number of hours worked by each worker; and
- (c) such other factors relating to individual worker's exposures to toxic or hazardous substances, processes and physical agents as the Minister prescribes.

Company
physician
to make
annual
report

6. Every company physician shall collect annually and compile and forward to the Ministry accurate information in the form and manner prescribed by the Minister, as to all worker medical examinations conducted by that physician relating to exposures to toxic or hazardous substances, processes or physical agents within the preceding calendar year.

Availability
of informa-
tion

7. Every employer and company physician shall, upon receipt of a written request therefor, make available to an employee, or his authorized representative, all information within his possession relating to that employee's exposure to toxic or hazardous substances, processes or physical agents.

Idem

8. The Minister shall, upon receipt of a written request therefor, make available to an employee, or his authorized representative, all information within the Ministry records relating to that employee's exposure to toxic or hazardous substances, processes or physical agents.

Idem

9. The Minister of Health shall, upon receipt of a written request therefor, make available to an employee, or his authorized representative, all information within the Ministry of Health's records relating to that employee's exposure to toxic or hazardous substances, processes or physical agents.

Matters
confidential

10.—(1) Every person employed in the administration of this Act shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course

of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations.

11. Every person who,

Offence

- (a) contravenes any of the provisions of this Act;
- (b) fails to comply with any order made under this Act;
or
- (c) contravenes any provision of the regulations,

and every director or officer of a corporation who knowingly concurs in such contravention or failure is guilty of an offence and on summary conviction is liable to a fine of \$5,000 or to imprisonment for a term of not more than five years, or to both.

12. The Minister shall make regulations,

Regulations

- (a) prescribing the manner and condition of employer-returns under section 5;
- (b) prescribing the manner and condition of company-physician-returns under section 6;
- (c) prescribing the collecting and compiling of additional information relating to an individual worker's exposure to toxic or hazardous substances, processes or physical agents;
- (d) prescribing the manner in which information shall be collected, compiled, analyzed or published under this Act;
- (e) prescribing forms and providing for their use; and
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

13. This Act comes into force on the day it receives Commence-
ment
Royal Assent.

14. This Act may be cited as *The Occupational Health* Short title
Data Act, 1976.



An Act respecting the
Collection of Occupational
Health Data

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the Ensuring of Rights
of Employees to Refuse to Perform Work
that is Dangerous to their Health or Safety**

MR. LEWIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to ensure the right of any employee to refuse to perform work dangerous to his health or safety without loss of wages, penalty or discrimination.

BILL 145

1976

An Act respecting the Ensuring of Rights of Employees to Refuse to Perform Work that is Dangerous to their Health or Safety

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Committee" means The Employer-Employee Health and Safety Committee;
- (b) "Ministry" means the Ministry of Labour; and
- (c) "worker-inspector" means a worker-inspector elected by the employees he represents or appointed in accordance with the constitution of the labour union of which the employees are members.

2. Any employee may refuse to do any particular act or series of acts at his place of employment where he has reasonable grounds for believing that the act or series of acts is dangerous to his health or safety.

Employee's
right to
refuse to do
dangerous
work

3. Where an employee refuses to do any particular act or series of acts under section 2, the employee shall, within three days of such refusal, report the reasons for the refusal to the Committee and to a worker-inspector in his place of employment.

Employee's
duty to
report
refusal

4. Where a Committee receives a report under section 3, the Committee shall, within three days after it receives the report, file a written report with the Ministry setting out the reasons for the employee's refusal to perform that act or series of acts.

Committee's
duty upon
receipt of
employee's
report

5. Where a worker-inspector receives a report under section 3, he shall expeditiously investigate the grounds for the refusal to work and file a written report relating thereto with the Committee.

Worker-
inspector's
duty upon
receipt of
employee's
report

Committee's
duty upon
receipt of
worker-
inspector's
report

6. The Committee shall expeditiously consider a worker-inspector's report submitted under section 5 and,

- (a) advise the employee to return to work on the ground that the performance of the act or series of acts is not dangerous;
- (b) advise the employer as to the steps to be taken to remedy the dangerous condition and advise the employee to return to work when the performance of the act or series of acts is no longer dangerous; or
- (c) where the employer fails to take the required steps to remedy the dangerous condition, ask the Ministry to close down,
 - (i) the employer's operation because of the dangerous working conditions, or
 - (ii) that section of the employer's operation affected because of the dangerous working conditions.

Ministry's
duty upon
receipt of
Committee
recommendation to
close down

7. Where the Ministry receives a Committee recommendation under clause *c* of section 6, the Ministry shall expeditiously investigate the dangerous condition and,

- (a) order the employer to remedy forthwith the dangerous condition;
- (b) order the closing down of,
 - (i) the employer's operation, or
 - (ii) that section of the employer's operation affected because of the dangerous condition,

until such time as the dangerous condition is remedied; or

- (c) order the employee back to work on the ground that the performance of the act or series of acts is not dangerous.

Prohibition
re employer
taking discriminatory
action
against
employee
for a
reasonable
work refusal

8. Except where he is in contravention of section 3, clause *a* of section 6 or clause *c* of section 7, no employee shall be suspended or dismissed or have his wages or benefits reduced by reason of his refusal to perform any particular act or series of acts at his place of employment where that

employee had reasonable grounds for believing that such act or series of acts was dangerous to his health or safety.

9. Every person who knowingly contravenes any provision ^{Offence} or an order made under this Act, and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

10. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

11. This Act may be cited as *The Right to Refuse to* ^{Short title} *Perform Dangerous Work Act, 1976.*





An Act respecting the Ensuring of Rights
of Employees to Refuse to Perform Work
that is Dangerous to their Health or Safety

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Health and Safety Committees**

MR. LEWIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to establish Employer-Employee Health and Safety Committees to deal with all aspects of the health and safety of the workers in the work place.

These Committees will give employees the right and responsibility of participating in decisions concerning their health and safety at their place of employment.

BILL 146

1976

An Act respecting Health and Safety Committees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Committee" means The Employer-Employee Health and Safety Committee; and
- (b) "worker-inspector" means a worker-inspector elected by the employees he represents or appointed in accordance with the constitution of the labour union of which the employees are members.

2.—(1) At every place of employment with ten or more employees, the employer shall cause a committee to be known as The Employer-Employee Health and Safety Committee to be established to deal with the health and safety of all employees at such place of employment.

Establish-
ment of
Committee

(2) On and after the 1st day of November, 1978, at every place of employment with five or more employees, the employer shall cause a committee to be known as The Employer-Employee Health and Safety Committee to be established to deal with the health and safety of all employees at such place of employment.

Idem

(3) A Committee established under subsection 1 or 2 shall be composed of not fewer than two and not more than twelve persons of whom at least half shall be persons representing employees other than employees connected with the management of the place of employment either elected by the employees they represent or appointed in accordance with the constitution of the labour union of which the workers are members.

Composition
of
Committee

- Term of office** (4) The members of the Committee shall be elected or appointed for a term of not more than two years.
- Chairman and vice-chairman** (5) The members of the Committee shall elect two of the members elected or appointed under subsection 2 as Chairman and vice-chairman, one of whom shall represent the employees and one of whom shall represent the employers, to serve as such for a term of not more than two years.
- Absence of Chairman** (6) In the absence of the Chairman, the vice-chairman may act as chairman.
- Meetings** (7) The Committee shall meet during regular working hours at least once a month on the call of the Chairman, vice-chairman, or two or more members.
- Quorum** (8) Two or more members of the Committee, of whom one is an employee member and one a management member, and the Chairman or vice-chairman constitute a quorum.
- Reappointment or re-election** (9) Any member of the Committee may be reappointed or re-elected for one additional term.
- Remuneration** (10) A Committee member shall be paid his regular wage while engaging in Committee work.
- Employer to post names of Committee members** **3.** The employer shall post the names of all Committee members in a conspicuous location within the place of employment.
- Powers and duties of Committee** **4.** The powers and duties of the Committee include,
- (a) the receipt, consideration and expedient disposition of all concerns relating to the health and safety of the employees represented by the Committee;
 - (b) the maintaining of accurate and complete records pertaining to the receipt, consideration and disposition of all concerns relating to the health and safety of the employees represented by the Committee;
 - (c) the receipt, consideration and expedient disposition of each worker-inspector report including any worker-inspector recommendation for closing down based on unsafe working conditions;
 - (d) co-operating with any occupational health service established to serve the place of employment; and

- (e) the establishment and promotion of health and safety programs for the education of the employees represented by the Committee.

5.—(1) Where, in the opinion of the majority of the Committee members, the Committee has been unable to satisfactorily dispose of a matter under clause *a* or *c* of section 4, the Committee shall send a written request signed by two or more Committee members to the Minister to intervene to resolve the impasse.

Resolution of
Committee
impasse

(2) Upon receipt of a request under subsection 1,

Minister's
duty upon
receipt of
Committee
request

(a) concerning the shutting down of an employer's operation or a section of the employer's operation, the Minister shall intervene immediately; or

(b) other than a request referred to in clause *a*, the Minister shall expeditiously investigate the dangerous condition, and,

(i) order the employer to remedy forthwith the dangerous condition,

(ii) order the closing down of the employer's operation, or that section of the operation affected, until such time as the dangerous condition is remedied, or

(iii) report to the Committee that the conditions are not dangerous.

6. No employer shall deduct any wage from or reduce any benefit of a Committee member as a result of that member engaging in Committee work.

Prohibition
re deducting
wages or
reducing
benefits

7. No discriminatory action shall be taken against an employee by reason of that employee's participation in or association with any Committee function.

Prohibition
re dis-
criminatory
action

8. Every employer having a Committee within his place of employment shall follow the directions and suggestions of that Committee.

Employer's
duty re
Committee

9. Every person who contravenes any provision of or order made under this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offence

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Health and Safety Committee Act, 1976*.



An Act respecting
Health and Safety Committees

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the Establishment of
Worker-Inspectors in the Work Place**

MR. LEWIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the establishment of worker-inspectors representing the employees in a particular work place whose function it is to inspect and report upon all matters relating to the health and safety of the employees in that work place.

BILL 147

1976

An Act respecting the Establishment of Worker-Inspectors in the Work Place

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Committee" means The Employer-Employee Health and Safety Committee representing the employees in the place of employment;
 - (b) "Ministry" means the Ministry of Labour;
 - (c) "worker-inspector" means a worker-inspector elected by the employees he represents or appointed in accordance with the constitution of the labour union of which the employees are members.
2. At every place of employment with ten or more employees, the employer shall cause the position of worker-inspector to be established to examine into and report on the health and safety of the employees to the Committee. Establish-
ment of
worker-
inspector
position
3. On and after the 1st day of November, 1978, at every place of employment with five or more employees, the employer shall cause the position of worker-inspector to be established to examine into and report on the health and safety of the employees to the Committee. Idem
4. Only employees from the place of employment having experience in work closely related to one or more of the types of work predominantly undertaken in that place of employment are eligible for election to the position of worker-inspector in that place of employment. Qualifi-
cations for
worker-
inspector
position
5. The Committee shall set the number of worker-inspector positions to be filled subject to a minimum of one worker- Number of
worker-
inspectors

inspector for every twenty-five employees, which positions shall be filled by the election by the employees represented or, in the case of a worker-inspector representing union employees, election or appointment in accordance with the constitution of the labour union of which those employees are members.

Worker-inspector to take government course

6.—(1) Every worker-inspector shall, within three months of assuming office, commence training in a Ministry-run worker-inspector course directly related to his place of employment.

Expenses

(2) All travel and living costs reasonably incurred by a worker-inspector while taking the course referred to in subsection 1 shall be borne by the employer.

Employer to post names of worker-inspectors

7. The employer shall post the names of all worker-inspectors in a conspicuous location within the place of employment.

Duties of worker-inspectors

8. The duties of a worker-inspector shall include:

- (a) the receipt, consideration and expedient disposition of all concerns relating to the health and safety of the employees represented by the worker-inspector;
- (b) the receipt, expedient investigation of, and reporting to the Committee on all employee refusals to work due to any particular act or series of acts appearing dangerous to that employee's health or safety;
- (c) the identification, investigation, and reporting to the Committee of any health or safety hazard in the place of employment;
- (d) co-operating with any occupational health service established to serve the place of employment;
- (e) advising and assisting the Committee in the establishment and promotion of health and safety programs for the education of the employees represented by the Committee;
- (f) participating in the investigation of, and attending all hearings held in relation to fatal accidents and injuries to the workers represented by the worker-inspector;

- (g) advising the Committee as to the steps to be taken to reduce or remove any existent hazardous condition affecting the workers represented by the worker-inspector; and
- (h) advising the Committee as to the shutting down of any work place considered unsafe and worked in by the workers represented by the worker-inspector.

9. Every worker-inspector shall be permitted,

Powers of
worker-
inspectors

- (a) to participate in any government inspection concerning the workers represented by that worker-inspector; and
- (b) to have full access to all government and employer reports relating to the health and safety of the workers represented by that worker-inspector.

10. The Committee shall determine the release-time required by each worker-inspector to fulfil his duties during regular working hours.

Committee to
determine
worker-
inspector's
hours

11. No worker-inspector shall spend more time during his regular working hours on worker-inspection work than that determined under section 10.

Prohibition
re worker-
inspector
working
unauthorized
time

12. Subject to section 11, no employer shall deduct any wage from or reduce any benefit of a worker-inspector as a result of that worker-inspector taking a government worker-inspector instructional course or engaging in worker-inspection work.

Prohibition
re deducting
wages or
reducing
benefits

13. Every person who knowingly contravenes any provision of this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000.

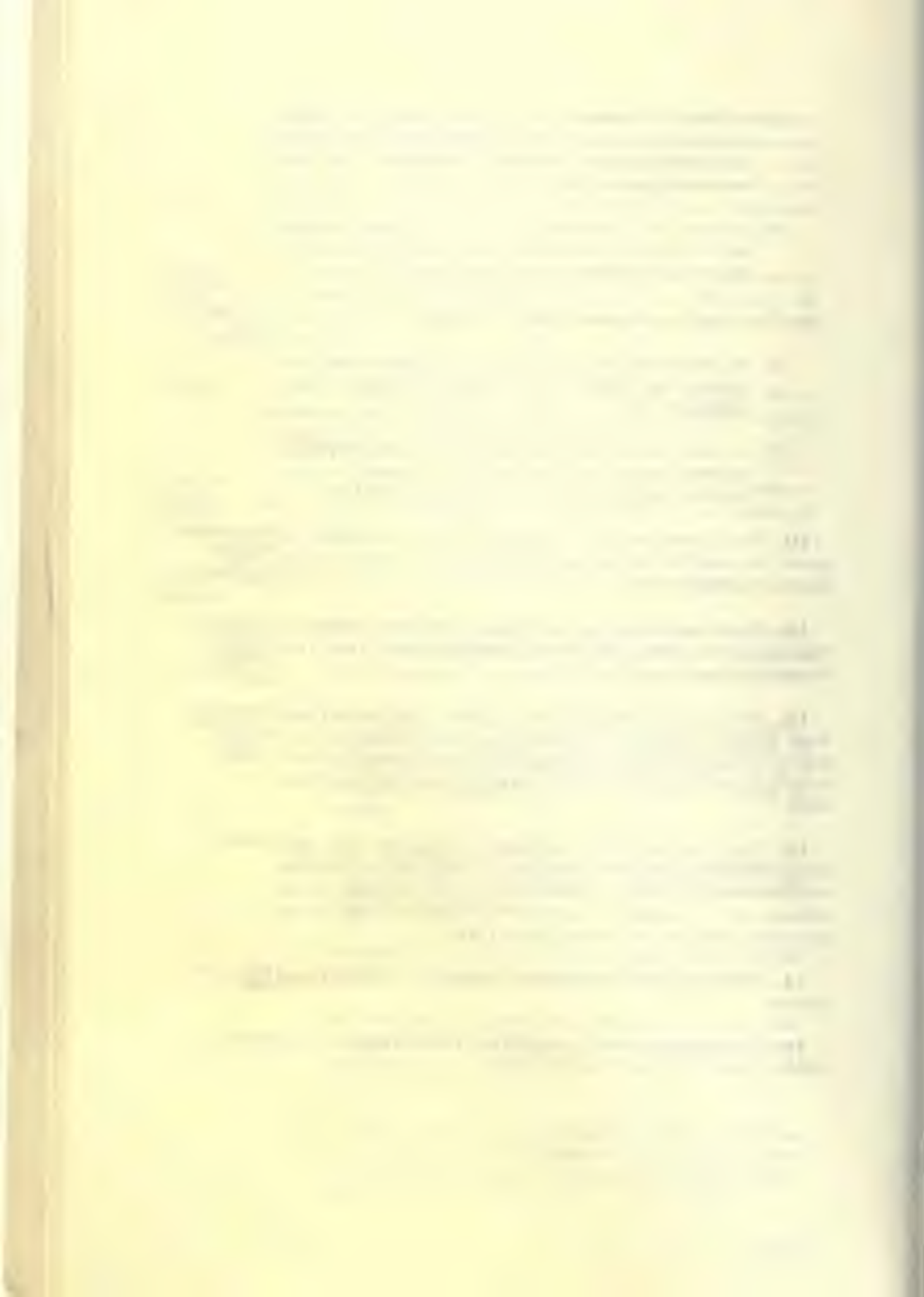
Offence

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. This Act may be cited as *The Worker-Inspector Act*, 1976.

Short title





An Act respecting the Establishment of
Worker-Inspectors in the Work Place

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Highway Traffic Act**

MR. BREITHAUPT

EXPLANATORY NOTE

This Bill limits the use of the left lane on highways of four or more lanes, to passing and left turns.

BILL 148

1976

**An Act to amend
The Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

98a. Any vehicle proceeding upon a highway of four or more lanes and not overtaking and passing another vehicle proceeding in the same direction or preparing for a left turn at an intersection or into a private road or driveway shall be driven in the right, or in the case of a six-lane highway, the right or middle lane then available for traffic.

s. 98a,
enacted

Use of
left lane
limited to
passing
and left
turns

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Highway Traffic Amendment Act, 1976*.

Commence-
ment

Short title

An Act to amend
The Highway Traffic Act

1st Reading

October 26th, 1976

2nd Reading

3rd Reading

MR. BREITHAUPF

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Section 227 (1) presently provides that a two-thirds vote of members of council is necessary to remove an auditor from office. The re-enactment substitutes a simple majority; there is no other change in principle.

SECTION 2. The section proposed to be added permits municipalities, if they wish, instead of passing separate by-laws, to pass a comprehensive general by-law to be known as a Municipal Code.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 227 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 124, section 2, is repealed and the following substituted therefor:

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable by the council for cause, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Municipal Affairs Act*, except school boards established under Part III or Part IV of *The Education Act*, 1974, or under Part VIII of *The Regional Municipality of Ottawa Carleton Act*, or under Part VIII of *The Municipality of Metropolitan Toronto Act*.

s. 227 (1),
re-enacted

Appointment
of auditors

R.S.O. 1970,
cc. 118, 295, 407
1974, c. 109

2. The said Act is amended by adding thereto the following section:

242a.—(1) The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.

Municipal
Code

(2) Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,

Previous
by-laws

- (a) the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and
- (b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.

s. 288 (1) (b, c),
re-enacted

3. Clauses *b* and *c* of subsection 1 of section 288 of the said Act are repealed and the following substituted therefor:

- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;
- (c) if the debt is for the purchase of roadmaking machinery and appliances, in ten years.

s. 293 (3) (g),
re-enacted

4. Clause *g* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

- (g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality; or

s. 296 (1),
re-enacted

5.—(1) Subsection 1 of section 296 of the said Act is repealed and the following substituted therefor:

When rate
of interest
may be
varied

- (1) If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may, without the assent of the electors, pass a by-law to amend such by-law so as to provide for,

SECTION 3. Section 288 establishes the maximum period of time within which debentures shall be made payable for various classes of municipal undertakings. In the case mentioned in clause *b*, the period is enlarged from 10 years to 20 years, and in clause *c* from 5 years to 10 years.

SECTION 4. Subsection 3 of section 293 sets out certain municipal undertakings that are exceptions to the general rule that requires the assent of the electors where the cost therefor is not provided in the estimates of the current year. In the case in clause *g*, as it presently reads, the by-law requires the vote of two-thirds of all the members of council; the re-enactment reduces that requirement to a simple majority.

SECTION 5.—Subsection 1. Subsection 1 of section 296 presently reads as follows:

296.—(1) *If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,*

- (a) *a different rate of interest;*
- (b) *a change in the amount to be raised annually and, if necessary, in the special assessments and levies;*
- (c) *such other changes in the by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
- (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*
- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is that the council of a municipality need not apply to the Municipal Board, but may exercise the powers set out in the subsection if the council is of the opinion that current interest rates warrant that action.

Subsection 2. The new subsection 1a provides that in the case of municipalities having a population of less than 20,000, the approval of the Municipal Board must still be obtained to a by-law passed under section 296 (1).

The new subsection 1b similarly provides that Municipal Board approval must be obtained if the effect of the by-law is to increase the net borrowing cost by more than one-half of 1 per cent.

SECTION 6.—Subsection 1. The requirement that is in the present section 306 (1) that such a by-law requires the approval of the Ministry is dropped in the re-enactment; there is no other change in principle.

Subsections 2 and 3. The changes are consequential on the change described in subsection 1 of the note.

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) The said section 296 is amended by adding thereto the following subsections: s. 296,
amended

(1a) Notwithstanding subsection 1, the council of a municipality having a population of less than 20,000 as determined under *The Ontario Unconditional Grants Act, 1975*, shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained. Where
Municipal
Board
approval
required
1975, c. 7

(1b) Notwithstanding subsection 1, the council of a municipality shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of. Idem

6.—(1) Subsection 1 of section 306 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed and the following substituted therefor: s. 306 (1),
re-enacted

(1) The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture. Federation
of
Agriculture,
special rate

(2) Subsection 2 of the said section 306, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed. s. 306 (2),
repealed

s. 306 (3),
re-enacted

(3) Subsection 3 of the said section 306 is repealed and the following substituted therefor:

By-law
remains in
force until
repealed

(3) A by-law passed under subsection 1 remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

s. 308 (1),
re-enacted

7.—(1) Subsection 1 of section 308 of the said Act is repealed and the following substituted therefor:

Reserve
funds
R.S.O. 1970,
c. 118

(1) Every municipality as defined in *The Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

s. 308 (4),
re-enacted

(2) Subsection 4 of the said section 308, as amended by the Statutes of Ontario, 1974, chapter 136, section 10, is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(4) The council may by by-law provide that the moneys raised for a reserve fund established under subsection 1 may be expended, pledged or applied to a purpose other than that for which the fund was established.

s. 339 (4),
re-enacted

8. Subsection 4 of section 339 of the said Act is repealed and the following substituted therefor:

By-law not
to be
repealed
except with
leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the reversion of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

SECTION 7.—Subsection 1. Subsection 1 of section 308 presently reads as follows:

- (1) *Every municipality as defined in The Municipal Affairs Act and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.*

Subsection 2. Subsection 4 of section 308 presently reads as follows:

- (4) *The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose, other than that for which the fund was established, without a two-thirds vote of the members of the council.*

The re-enactment removes the requirement that the establishment of a reserve fund requires a two-thirds vote of the members of council and that moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except on a similar two-thirds vote of the members. In both cases, a simple majority of the council will now suffice.

SECTION 8. Section 339 authorizes municipalities, when passing a by-law for establishing, widening or diverting a highway, to provide in the by-law that entry on the land required to be taken shall be deferred for a period of from three to ten years. Subsection 4 as it presently reads requires a two-thirds vote of council to repeal or alter such a by-law. The re-enactment reduces that requirement to a simple majority vote. The further requirement of Municipal Board approval is, however, retained.

SECTION 9.—Subsection 1. Clause *f* of paragraph 72 of section 352 provides for the application of moneys in a reserve fund established in connection with a municipally operated parking lot. Subclause iii of clause *f* presently requires the approval of the Ministry to the expenditure of any of those moneys for another purpose than that for which the fund was established. The re-enactment removes that requirement; there is no other change in principle.

Subsection 2. Clause *a* of paragraph 73 of section 352 presently reads as follows:

- (a) *A parking authority established under this paragraph is a body corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of the council of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.*

It sets out the incorporation and membership of a parking authority to which may be entrusted the control and management of municipal parking facilities. The effect of the re-enactment is two-fold:

1. The appointment of the members may be on a simple majority vote of council, rather than the two-thirds vote presently required.
2. The term of office of the members is changed from three years to a period corresponding with the term of office of the council that appointed them. (All councils now hold office for a two-year period).

Subsection 3. The clause proposed to be repealed provides for staggered terms of office for members of the parking authority; its removal is consequent on the change made in subsection 2.

Subsection 4. This substantive subsection deals with the term of office of present members of a parking authority and provides for the transition to the new regime prescribed in subsection 2.

Subsection 5. Paragraph 74 authorizes municipalities to erect, maintain and operate certain buildings, generally for recreational purposes.

Clause *c* presently reads as follows:

- (c) *Subject to the approval of the Ministry, any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.*

The re-enactment removes the necessity of obtaining the approval of the Ministry to establishing and equipping such a building as a home or clubhouse.

- 9.—(1) Clause *f* of paragraph 72 of section 352 of the said Act is repealed and the following substituted therefor: s. 352,
par. 72 (*f*),
re-enacted

(*f*) Such reserve fund shall be applied,

Idem

(i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and

(ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and

(iii) thirdly, for such other purposes as the council may approve.

- (2) Clause *a* of paragraph 73 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 73 (*a*),
re-enacted

(*a*) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be a person qualified to be elected as a member of the council of the municipality, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed. Incorporation
and members

- (3) Clause *b* of paragraph 73 of the said section 352 is repealed. s. 352,
par. 73 (*b*),
repealed

- (4) Any person holding office as the member of a parking authority established under paragraph 73 of section 352 of *The Municipal Act*, or any predecessor thereof, at the date this section comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to clause *a* of paragraph 73 of the said section 352, as re-enacted by subsection 2 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

- (5) Clause *c* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (*c*),
re-enacted

(*c*) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.

s. 354 (1)
pars. 1, 2,
re-enacted,
par. 3
repealed

10.—(1) Paragraphs 1, 2 and 3 of subsection 1 of section 354 of the said Act are repealed and the following substituted therefor:

Prohibiting
or regulating
keeping of
animals

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

Regulating
animal
breeding or
boarding
estab-
lishments

2. For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

s. 354 (1)
par. 5,
re-enacted

(2) Paragraph 5 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Animals
being at
large or
trespassing

5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

s. 354 (1)
par. 49,
re-enacted

(3) Paragraph 49 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Power to
buy and
sell fuel
and food

49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:

- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.

- iii. For appointing officers, clerks and servants to manage and conduct such businesses.

SECTION 10.—Subsection 1. Paragraphs 1, 2 and 3 of subsection 1 of section 354 presently read as follows:

1. *For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof.*
2. *For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals that may be kept by any person within the municipality or defined areas thereof.*
3. *For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes, reptiles or other animals, except horses or mules, within the municipality or defined areas thereof.*

They authorize local municipalities to pass by-laws governing the matters mentioned. The re-enactment extends the power to the prohibiting or regulating of the keeping of animals of any kind (and including birds and reptiles). Additionally, breeding and boarding establishments for any kind of animal, rather than only dogs and cats, may be regulated.

Subsection 2. The re-enactment is consequent on the changes made by subsection 1 by substituting the term "being at large" for "running at large".

Subsection 3. Clause *a* of subparagraph *v* of paragraph 49 presently reads as follows:

- (a) *The by-law need not be assented to by the electors, but requires a vote of two-thirds of all the members of the council.*

In the re-enactment of paragraph 49, the requirement of a two-thirds vote of council is dropped; there is no other change in principle.

Subsection 4. The clause proposed to be repealed reads as follows:

- (d) *Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in The Development Corporations Act, 1973, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.*

The clause relates to land being acquired or developed by a municipality in connection with industrial undertakings.

Subsection 5. Clause b of paragraph 53 presently reads as follows:

- (b) *No such by-law requires the assent of the electors if the by-law authorizing the undertaking has been passed by a vote of three-fourths of all the members of the council.*

The by-law referred to is one authorizing the completion or alteration or extension of a public utility undertaking. The re-enactment substitutes a simple majority of council for the presently required three-fourths vote.

Subsection 6. Paragraph 86 presently reads as follows and authorizes all local municipalities to pass by-laws governing trailers in the manner specified:

86. *For prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.*
- (a) *In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.*
- (b) *A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.*
- (c) *The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.*
- (d) *For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purposes of sale or storage.*

The repeal is proposed to come into force on the 1st day of January, 1979, to afford municipalities time to pass zoning by-laws dealing with the use of land for trailers.

Subsection 7. The re-enactment is consequential on the repeal of paragraph 86. The only change is the transfer of the definition of "trailer" from paragraph 86 to paragraph 87.

- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.

(a) The by-law need not be assented to by the electors.

(b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.

(4) Clause *d* of paragraph 50 of subsection 1 of the said section 354, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 10, is repealed. s. 354 (1)
par. 50 (d),
repealed

(5) Clause *b* of paragraph 53 of subsection 1 of the said section 354 is repealed and the following substituted therefor: s. 354 (1)
par. 53 (b),
re-enacted

(b) No such by-law requires the assent of the electors. Assent of
electors not
required

(6) Paragraph 86 of subsection 1 of the said section 354 is repealed. s. 354 (1)
par. 86,
repealed

(7) Paragraph 87 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1)
par. 87,
re-enacted

87. For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor. Licensing
of trailers

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the Interpre-
tation

living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Application
of by-law

- (b) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

Licence
fees

- (c) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

Application
of
R.S.O. 1970,
c. 32

- (d) No license fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

s. 354 (1)
par. 96,
re-enacted

- (8) Paragraph 96 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Encroach-
ment on
highway for
refacing

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

s. 354 (1)
par. 97 (a),
re-enacted

- (9) Clause *a* of paragraph 97 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Proceedings
for changing
names of
streets

- (a) A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.

s. 361 (6),
re-enacted

- 11.—(1) Subsection 6 of section 361 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 11, is repealed and the following substituted therefor:

Board of
Management

- (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or

Subsection 8. Paragraph 96 authorizes municipalities to pass by-laws permitting building encroachments of buildings and presently reads as follows:

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Ministry.

The re-enactment drops clause *a* requiring the approval of the Ministry to such by-laws.

Subsection 9. The effect of the re-enactment is to remove the requirement that a by-law changing the name of a highway requires a three-fourths vote of council; a simple majority will now suffice.

SECTION 11.—Subsection 1. Subsection 6 of section 361 presently reads as follows:

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of not fewer than three and not more than seven members appointed by council, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or nominees of corporations so assessed.

The effect of the re-enactment is two-fold:

1. The present requirement that a Board of Management for an improvement area (designed for the improvement, beautification and promotion of areas within a municipality as business or shopping areas) consist of from 3 to 7 members is removed.
2. It is made clear that a nominee of a corporation who is appointed to the Board must, like all other members, be qualified to be elected a member of council.

Subsection 2. Subsection 7 presently reads as follows:

- (7) *Each member shall hold office for a period of one year from the time of appointment, provided he continues to be qualified as provided in subsection 6.*

The re-enactment changes the term of office of members of the Board of Management from one year to one that corresponds with the term of the council that appointed them.

Subsection 3. This substantive section deals with the term of office of present members of a Board of Management and provides for the transition to the new term of office prescribed in subsection 7.

SECTION 12. Subsection 16 of section 362 authorizes a municipality to impose on the owners of land who use sewage works a sewage service rate. Subsection 18, as re-enacted, is set out below with the words added underlined.

- (18) *The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just. and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act.*

SECTION 13. The re-enactment removes the requirement that the council of a city or town may pass a by-law for the purposes mentioned only on a vote of two-thirds of all the members; a simple majority will now suffice.

nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the council.

- (2) Subsection 7 of the said section 361 is repealed and the following substituted therefor: s. 361 (7), re-enacted

(7) Each member shall hold office from the time of his appointment until the expiration of the term of the council that appointed him, provided he continues to be qualified, as provided in subsection 6. Term of office

- (3) Any person holding office as a member of a Board of Management established under section 361 of *The Municipal Act* at the date this subsection comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to subsection 6 of the said section 361, as re-enacted by subsection 1 of this section. Term of members presently in office
R.S.O. 1970, c. 284

12. Subsection 18 of section 362 of the said Act is repealed and the following substituted therefor: s. 362 (18), re-enacted

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. Sewage service rate structure
R.S.O. 1970, c. 32

13. Paragraph 4 of section 368 of the said Act is repealed and the following substituted therefor: s. 368 par. 4, re-enacted

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years. Police signal system

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

s. 373
par. 4,
re-enacted

14. Paragraph 4 of section 373 of the said Act is repealed and the following substituted therefor:

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed.

s. 383
par. 15,
re-enacted

15. Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is repealed and the following substituted therefor:

Tourist
and trailer
camps

15. For licensing, regulating and governing tourist camps, trailer camps and motels.

Interpre-
tation

(a) In this paragraph,

i. "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

ii. "trailer camp" means land in or upon which any vehicle, so constructed that

SECTION 14. Paragraph 4 of section 373 presently provides that a by-law passed by a county council for establishing a county farm does not require the assent of the electors if it is passed by a two-thirds vote of the members of council.

The re-enactment removes that requirement that was formerly found in clause *a*.

SECTION 15. Paragraph 15 of section 383, exclusive of the clauses, presently reads as follows:

15. For licensing, regulating and governing tourist camps, trailer camps and motels and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes.

SECTION 16. The re-enactment removes the present requirement that a by-law for the purposes mentioned requires a two-thirds vote of the council; there is no other change in principle.

it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(b) Any by-law passed under this paragraph, may, among other things,

- i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,
- ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- iii. require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under *The Assessment Act*, no licence fee shall be charged.

R.S.O. 1970,
c. 32

16. Section 431 of the said Act is repealed and the following substituted therefor:

s. 431,
re-enacted

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is approved by the Municipal Board.

Issue of
debentures
for
reflooring
bridge

s. 521a,
enacted

17. The said Act is further amended by adding thereto the following section:

By-law
may
authorize
two separate
tax notices

521a.—(1) Notwithstanding section 521, in cities, towns, villages and townships, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 521.

Contents of
notices

(2) Where a council has passed a by-law under subsection 1, each notice prepared pursuant to such by-law shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice, and also containing any information required to be entered in the collector's roll under section 516 that pertains to the taxes referred to in the notice.

Idem

(3) A notice prepared pursuant to a by-law under subsection 1 that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

Application
of s. 521 (1, 2)
and s. 522

(4) The provisions of subsections 1 and 2 of section 521, relating to the manner of delivering or mailing of the notice, and section 522 apply *mutatis mutandis* to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 521.

s. 527 (3),
re-enacted

18. Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 15, is repealed and the following substituted therefor:

Penalty
for non-
payment of
taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) As an alternative to a by-law passed under subsection 3, the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower

SECTION 17. Section 521 presently reads as follows:

- 521.—(1) *In cities, towns, villages and townships, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by him by delivering the notice or causing it to be delivered to him or for him at his residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at his usual residence or place of business if within the municipality in and for which the collector has been appointed and demand payment of the taxes.*
- (2) *In cities, towns, villages and townships, the council may by by-law authorize the collector, clerk or treasurer to mail the notice or cause it to be mailed to the address of the residence or place of business of such person.*
- (3) *The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 516.*

The new section 521a authorizes municipalities to issue two tax notices, one in respect of school taxes and another in respect of taxes for all other purposes.

SECTION 18. The effect of the re-enactment is to afford to municipalities alternative methods of determining the interest charge they will impose in respect of unpaid taxes during the year in which the taxes became payable. As the section now stands, only the method set out in the re-enacted subsection 4 is available.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part is a report from the Secretary of the Interior, dated January 17, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part is a report from the Secretary of the Navy, dated January 24, 1862. It contains a report on the state of the Navy and the progress of the war.

5. The fifth part is a report from the Secretary of the War, dated January 31, 1862. It contains a report on the state of the War and the progress of the war.

6. The sixth part is a report from the Secretary of the State, dated February 7, 1862. It contains a report on the state of the State and the progress of the war.

7. The seventh part is a report from the Secretary of the War, dated February 14, 1862. It contains a report on the state of the War and the progress of the war.

8. The eighth part is a report from the Secretary of the State, dated February 21, 1862. It contains a report on the state of the State and the progress of the war.

9. The ninth part is a report from the Secretary of the War, dated February 28, 1862. It contains a report on the state of the War and the progress of the war.

10. The tenth part is a report from the Secretary of the State, dated March 7, 1862. It contains a report on the state of the State and the progress of the war.

rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

- 19.**—(1) This Act, except subsections 6 and 7 of section 10 and sections 12 and 15, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Section 12 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1975.
- (3) Subsections 6 and 7 of section 10 and section 15 ^{Idem} come into force on the 1st day of January, 1979.
- 20.** This Act may be cited as *The Municipal Amendment Act, 1976*. ^{Short title}

An Act to amend
The Municipal Act

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Section 227 (1) presently provides that a two-thirds vote of members of council is necessary to remove an auditor from office. The re-enactment substitutes a simple majority; there is no other change in principle.

SECTION 2. The section proposed to be added provides that where a municipality passes a comprehensive general by-law (which may be known as a Municipal Code) which consolidates within it the provisions of previously passed by-laws, the effective dates and any required approvals to the original by-laws apply to the corresponding provisions in the comprehensive by-law.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 227 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 124, section 2, is repealed and the following substituted therefor: s. 227 (1),
re-enacted

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable by the council for cause, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Municipal Affairs Act*, except school boards established under Part III or Part IV of *The Education Act*, 1974, or under Part VIII of *The Regional Municipality of Ottawa Carleton Act*, or under Part VIII of *The Municipality of Metropolitan Toronto Act*. Appointment
of auditors

R.S.O. 1970,
cc. 118, 295, 407
1974, c. 109

2. The said Act is amended by adding thereto the following section: s. 242a,
enacted

242a. Where the council of any municipality passes a comprehensive general by-law dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein (which by-law may be known as "The [name of municipality] Municipal Code") and such by-law consolidates and includes therein the provisions of any by-law previously passed by the council, Municipal
Code

- (a) the provisions in the comprehensive general by-law shall be deemed to have come into force on the day the original by-law came into force; and

- (b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general by-law.

s. 288 (1) (b, c),
re-enacted

3. Clauses *b* and *c* of subsection 1 of section 288 of the said Act are repealed and the following substituted therefor:

- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;

- (c) if the debt is for the purchase of roadmaking machinery and appliances, in ten years.

s. 293 (3) (g),
re-enacted

4. Clause *g* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

- (g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality; or

s. 296 (1),
re-enacted

- 5.—(1) Subsection 1 of section 296 of the said Act is repealed and the following substituted therefor:

When rate
of interest
may be
varied

- (1) If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may, without the assent of the electors, pass a by-law to amend such by-law so as to provide for,

SECTION 3. Section 288 establishes the maximum period of time within which debentures shall be made payable for various classes of municipal undertakings. In the case mentioned in clause *b*, the period is enlarged from 10 years to 20 years, and in clause *c* from 5 years to 10 years.

SECTION 4. Subsection 3 of section 293 sets out certain municipal undertakings that are exceptions to the general rule that requires the assent of the electors where the cost therefor is not provided in the estimates of the current year. In the case in clause *g*, as it presently reads, the by-law requires the vote of two-thirds of all the members of council; the re-enactment reduces that requirement to a simple majority.

SECTION 5.—Subsection 1. Subsection 1 of section 296 presently reads as follows:

296.—(1) *If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,*

- (a) *a different rate of interest;*
- (b) *a change in the amount to be raised annually and, if necessary, in the special assessments and levies;*
- (c) *such other changes in the by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
- (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*
- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is that the council of a municipality need not apply to the Municipal Board, but may exercise the powers set out in the subsection if the council is of the opinion that current interest rates warrant that action.

Subsection 2. The new subsection 1*a* provides that in the case of municipalities having a population of less than 20,000, the approval of the Municipal Board must still be obtained to a by-law passed under section 296 (1).

The new subsection 1*b* similarly provides that Municipal Board approval must be obtained if the effect of the by-law is to increase the net borrowing cost by more than one-half of 1 per cent.

SECTION 6.—Subsection 1. The requirement that is in the present section 306 (1) that such a by-law requires the approval of the Ministry is dropped in the re-enactment; there is no other change in principle.

Subsections 2 and 3. The changes are consequential on the change described in subsection 1 of the note.

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

- (2) The said section 296 is amended by adding thereto the following subsections: s. 296,
amended

(1a) Notwithstanding subsection 1, the council of a municipality having a population of less than 20,000 as determined under *The Ontario Unconditional Grants Act, 1975*, shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained. Where
Municipal
Board
approval
required
1975, c. 7

(1b) Notwithstanding subsection 1, the council of a municipality shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of. Idem

- 6.—(1) Subsection 1 of section 306 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed and the following substituted therefor: s. 306 (1),
re-enacted

(1) The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture. Federation
of
Agriculture,
special rate

- (2) Subsection 2 of the said section 306, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed. s. 306 (2),
repealed

s. 306 (3),
re-enacted

(3) Subsection 3 of the said section 306 is repealed and the following substituted therefor:

By-law
remains in
force until
repealed

(3) A by-law passed under subsection 1 remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

s. 308 (1),
re-enacted

7.—(1) Subsection 1 of section 308 of the said Act is repealed and the following substituted therefor:

Reserve
funds
R.S.O. 1970,
c. 118

(1) Every municipality as defined in *The Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

s. 308 (4),
re-enacted

(2) Subsection 4 of the said section 308, as amended by the Statutes of Ontario, 1974, chapter 136, section 10, is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(4) The council may by by-law provide that the moneys raised for a reserve fund established under subsection 1 may be expended, pledged or applied to a purpose other than that for which the fund was established.

s. 339 (4),
re-enacted

8. Subsection 4 of section 339 of the said Act is repealed and the following substituted therefor:

By-law not
to be
repealed
except with
leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the reversioning of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

SECTION 7.—Subsection 1. Subsection 1 of section 308 presently reads as follows:

- (1) *Every municipality as defined in The Municipal Affairs Act and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.*

Subsection 2. Subsection 4 of section 308 presently reads as follows:

- (4) *The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose, other than that for which the fund was established, without a two-thirds vote of the members of the council.*

The re-enactment removes the requirement that the establishment of a reserve fund requires a two-thirds vote of the members of council and that moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except on a similar two-thirds vote of the members. In both cases, a simple majority of the council will now suffice.

SECTION 8. Section 339 authorizes municipalities, when passing a by-law for establishing, widening or diverting a highway, to provide in the by-law that entry on the land required to be taken shall be deferred for a period of from three to ten years. Subsection 4 as it presently reads requires a two-thirds vote of council to repeal or alter such a by-law. The re-enactment reduces that requirement to a simple majority vote. The further requirement of Municipal Board approval is, however, retained.

SECTION 9.—Subsection 1. Clause *f* of paragraph 72 of section 352 provides for the application of moneys in a reserve fund established in connection with a municipally operated parking lot. Subclause iii of clause *f* presently requires the approval of the Ministry to the expenditure of any of those moneys for another purpose than that for which the fund was established. The re-enactment removes that requirement; there is no other change in principle.

Subsection 2. Clause *a* of paragraph 73 of section 352 presently reads as follows:

- (a) *A parking authority established under this paragraph is a body corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of the council of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.*

It sets out the incorporation and membership of a parking authority to which may be entrusted the control and management of municipal parking facilities. The effect of the re-enactment is two-fold:

1. The appointment of the members may be on a simple majority vote of council, rather than the two-thirds vote presently required.
2. The term of office of the members is changed from three years to a period corresponding with the term of office of the council that appointed them. (All councils now hold office for a two-year period).

Subsection 3. The clause proposed to be repealed provides for staggered terms of office for members of the parking authority; its removal is consequent on the change made in subsection 2.

Subsection 4. This substantive subsection deals with the term of office of present members of a parking authority and provides for the transition to the new regime prescribed in subsection 2.

Subsection 5. Paragraph 74 authorizes municipalities to erect, maintain and operate certain buildings, generally for recreational purposes.

Clause *c* presently reads as follows:

- (c) *Subject to the approval of the Ministry, any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.*

The re-enactment removes the necessity of obtaining the approval of the Ministry to establishing and equipping such a building as a home or clubhouse.

- 9.—(1) Clause *f* of paragraph 72 of section 352 of the said Act is repealed and the following substituted therefor: s. 352,
par. 72 (f),
re-enacted

(f) Such reserve fund shall be applied,

Idem

- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
- (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
- (iii) thirdly, for such other purposes as the council may approve.

- (2) Clause *a* of paragraph 73 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 73 (a),
re-enacted

- (a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be a person qualified to be elected as a member of the council of the municipality, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed. Incorporation
and members

- (3) Clause *b* of paragraph 73 of the said section 352 is repealed. s. 352,
par. 73 (b),
repealed

- (4) Any person holding office as the member of a parking authority established under paragraph 73 of section 352 of *The Municipal Act*, or any predecessor thereof, at the date this section comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to clause *a* of paragraph 73 of the said section 352, as re-enacted by subsection 2 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

- (5) Clause *c* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (c),
re-enacted

- (c) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.

s. 354 (1)
para. 1, 2,
re-enacted,
par. 3
repealed

10.—(1) Paragraphs 1, 2 and 3 of subsection 1 of section 354 of the said Act are repealed and the following substituted therefor:

Prohibiting
or regulating
keeping of
animals

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

Regulating
animal
breeding or
boarding
estab-
lishments

2. For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

s. 354 (1)
par. 5,
re-enacted

(2) Paragraph 5 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Animals
being at
large or
trespassing

5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

s. 354 (1)
par. 49,
re-enacted

(3) Paragraph 49 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Power to
buy and
sell fuel
and food

49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:

i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.

iii. For appointing officers, clerks and servants to manage and conduct such businesses.

SECTION 10.—Subsection 1. Paragraphs 1, 2 and 3 of subsection 1 of section 354 presently read as follows:

1. *For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof.*
2. *For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes, reptiles or other animals that may be kept by any person within the municipality or defined areas thereof.*
3. *For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes, reptiles or other animals, except horses or mules, within the municipality or defined areas thereof.*

They authorize local municipalities to pass by-laws governing the matters mentioned. The re-enactment extends the power to the prohibiting or regulating of the keeping of animals of any kind (and including birds and reptiles). Additionally, breeding and boarding establishments for any kind of animal, rather than only dogs and cats, may be regulated.

Subsection 2. The re-enactment is consequent on the changes made by subsection 1 by substituting the term "being at large" for "running at large".

Subsection 3. Clause *a* of subparagraph v of paragraph 49 presently reads as follows:

- (a) *The by-law need not be assented to by the electors, but requires a vote of two-thirds of all the members of the council.*

In the re-enactment of paragraph 49, the requirement of a two-thirds vote of council is dropped; there is no other change in principle.

Subsection 4. The clause proposed to be repealed reads as follows:

- (d) *Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in The Development Corporations Act, 1973, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.*

The clause relates to land being acquired or developed by a municipality in connection with industrial undertakings.

Subsection 5. Clause b of paragraph 53 presently reads as follows:

- (b) *No such by-law requires the assent of the electors if the by-law authorizing the undertaking has been passed by a vote of three-fourths of all the members of the council.*

The by-law referred to is one authorizing the completion or alteration or extension of a public utility undertaking. The re-enactment substitutes a simple majority of council for the presently required three-fourths vote.

Subsection 6. Paragraph 86 presently reads as follows and authorizes all local municipalities to pass by-laws governing trailers in the manner specified:

86. *For prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.*
- (a) *In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.*
- (b) *A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.*
- (c) *The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.*
- (d) *For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purposes of sale or storage.*

The repeal is proposed to come into force on the 1st day of January, 1979, to afford municipalities time to pass zoning by-laws dealing with the use of land for trailers.

Subsection 7. The re-enactment is consequential on the repeal of paragraph 86. The only change is the transfer of the definition of "trailer" from paragraph 86 to paragraph 87.

- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
 - v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
 - (a) The by-law need not be assented to by the electors.
 - (b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.
- (4) Clause *d* of paragraph 50 of subsection 1 of the said section 354, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 10, is repealed. s. 354 (1)
par. 50 (d),
repealed
- (5) Clause *b* of paragraph 53 of subsection 1 of the said section 354 is repealed and the following substituted therefor: s. 354 (1)
par. 53 (b),
re-enacted
- (b) No such by-law requires the assent of the electors. Assent of
electors not
required
- (6) Paragraph 86 of subsection 1 of the said section 354 is repealed. s. 354 (1)
par. 86,
repealed
- (7) Paragraph 87 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1)
par. 87,
re-enacted
87. For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor. Licensing
of trailers
- (a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the Interpre-
tation

living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Application
of by-law

- (b) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

Licence
fees

- (c) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

Application
of
R.S.O. 1970,
c. 32

- (d) No license fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

s. 354 (1)
par. 96,
re-enacted

- (8) Paragraph 96 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Encroach-
ment on
highway for
refacing

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

s. 354 (1)
par. 97 (a),
re-enacted

- (9) Clause *a* of paragraph 97 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Proceedings
for changing
names of
streets

- (a) A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.

s. 361 (6),
re-enacted

- 11.—(1) Subsection 6 of section 361 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 11, is repealed and the following substituted therefor:

Board of
Management

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or

Subsection 8. Paragraph 96 authorizes municipalities to pass by-laws permitting building encroachments of buildings and presently reads as follows:

96. *For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.*

(a) *A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Ministry.*

The re-enactment drops clause *a* requiring the approval of the Ministry to such by-laws.

Subsection 9. The effect of the re-enactment is to remove the requirement that a by-law changing the name of a highway requires a three-fourths vote of council; a simple majority will now suffice.

SECTION 11.—Subsection 1. Subsection 6 of section 361 presently reads as follows:

(6) *A Board of Management established under subsection 1 is a body corporate and shall consist of not fewer than three and not more than seven members appointed by council, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or nominees of corporations so assessed.*

The effect of the re-enactment is two-fold:

1. The present requirement that a Board of Management for an improvement area (designed for the improvement, beautification and promotion of areas within a municipality as business or shopping areas) consist of from 3 to 7 members is removed.
2. It is made clear that a nominee of a corporation who is appointed to the Board must, like all other members, be qualified to be elected a member of council.

Subsection 2. Subsection 7 presently reads as follows:

- (7) *Each member shall hold office for a period of one year from the time of appointment, provided he continues to be qualified as provided in subsection 6.*

The re-enactment changes the term of office of members of the Board of Management from one year to one that corresponds with the term of the council that appointed them.

Subsection 3. This substantive section deals with the term of office of present members of a Board of Management and provides for the transition to the new term of office prescribed in subsection 7.

SECTION 12. Subsection 16 of section 362 authorizes a municipality to impose on the owners of land who use sewage works a sewage service rate. Subsection 18, as re-enacted, is set out below with the words added underlined.

- (18) *The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act.*

SECTION 13. The re-enactment removes the requirement that the council of a city or town may pass a by-law for the purposes mentioned only on a vote of two-thirds of all the members; a simple majority will now suffice.

nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the council.

- (2) Subsection 7 of the said section 361 is repealed and the ^{s. 361 (7),} following substituted therefor: ^{re-enacted}

(7) Each member shall hold office from the time of his appointment until the expiration of the term of the council that appointed him, provided he continues to be qualified, as provided in subsection 6.

- (3) Any person holding office as a member of a Board of Management established under section 361 of *The Municipal Act* at the date this subsection comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to subsection 6 of the said section 361, as re-enacted by subsection 1 of this section.

- 12.** Subsection 18 of section 362 of the said Act is repealed and ^{s. 362 (18),}
the following substituted therefor: ^{re-enacted}

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. R.S.O. 1970, c. 32

- 13.** Paragraph 4 of section 368 of the said Act is repealed and the following substituted therefor:

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

- (a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

s. 373
par. 4,
re-enacted

14. Paragraph 4 of section 373 of the said Act is repealed and the following substituted therefor:

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed.

s. 383
par. 15,
re-enacted

15. Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is repealed and the following substituted therefor:

Tourist
and trailer
camps

15. For licensing, regulating and governing tourist camps, trailer camps and motels.

Interpre-
tation

(a) In this paragraph,

i. "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

ii. "trailer camp" means land in or upon which any vehicle, so constructed that

SECTION 14. Paragraph 4 of section 373 presently provides that a by-law passed by a county council for establishing a county farm does not require the assent of the electors if it is passed by a two-thirds vote of the members of council.

The re-enactment removes that requirement that was formerly found in clause a.

SECTION 15. Paragraph 15 of section 383, exclusive of the clauses, presently reads as follows:

15. For licensing, regulating and governing tourist camps, trailer camps and motels and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes.

SECTION 16. The re-enactment removes the present requirement that a by-law for the purposes mentioned requires a two-thirds vote of the council; there is no other change in principle.

it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(b) Any by-law passed under this paragraph, may, among other things,

- i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,
- ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- iii. require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under *The Assessment Act*, no licence fee shall be charged.

R.S.O. 1970,
c. 32

16. Section 431 of the said Act is repealed and the following substituted therefor:

s. 431,
re-enacted

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is approved by the Municipal Board.

Issue of
debentures
for
reflooring
bridge

s. 521a,
enacted

17. The said Act is further amended by adding thereto the following section:

By-law
may
authorize
two separate
tax notices

521a.—(1) Notwithstanding section 521, in cities, towns, villages and townships, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 521.

Contents of
notices

(2) Where a council has passed a by-law under subsection 1, each notice prepared pursuant to such by-law shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice and also containing any information required to be entered in the collector's roll under section 516 that pertains to the taxes referred to in the notice.

Idem

(3) A notice prepared pursuant to a by-law under subsection 1 that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

Application
of s. 521 (1, 2)
and s. 522

(4) The provisions of subsections 1 and 2 of section 521, relating to the manner of delivering or mailing of the notice, and section 522 apply *mutatis mutandis* to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 521.

s. 527 (3),
re-enacted

18. Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 15, is repealed and the following substituted therefor:

Penalty
for non-
payment of
taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) As an alternative to a by-law passed under subsection 3, the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower

SECTION 17. Section 521 presently reads as follows:

- 521.—(1) *In cities, towns, villages and townships, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by him by delivering the notice or causing it to be delivered to him or for him at his residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at his usual residence or place of business if within the municipality in and for which the collector has been appointed and demand payment of the taxes.*
- (2) *In cities, towns, villages and townships, the council may by by-law authorize the collector, clerk or treasurer to mail the notice or cause it to be mailed to the address of the residence or place of business of such person.*
- (3) *The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 516.*

The new section 521a authorizes municipalities to issue two tax notices, one in respect of school taxes and another in respect of taxes for all other purposes.

SECTION 18. The effect of the re-enactment is to afford to municipalities alternative methods of determining the interest charge they will impose in respect of unpaid taxes during the year in which the taxes became payable. As the section now stands, only the method set out in the re-enacted subsection 4 is available.

SECTION 19. To the same effect as section 18 of the Bill in respect of interest charges on unpaid taxes after the year in which they were levied.

rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

- 19.** Subsection 1 of section 553 of the said Act, as re-enacted s. 553 (1),
re-enacted by the Statutes of Ontario, 1976, chapter 51, section 16, is repealed and the following substituted therefor:

(1) Notwithstanding any special Act, but subject to Interest on
tax arrears subsection 2, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding 1 per cent per month.

(2) Notwithstanding subsection 1 or any special Act, Idem the council of a local municipality may, by by-law, require that the treasurer, collector or county treasurer, as the case may be, add to the amount of all taxes due and unpaid interest at such rate not exceeding 12 per cent per annum as the council determines, from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

(2a) No interest or percentage added to taxes shall be Interest, etc.,
not to be
compounded compounded.

- 20.**—(1) This Act, except subsections 6 and 7 of section 10 and Commence-
ment sections 12 and 15, comes into force on the day it receives Royal Assent.

(2) Section 12 shall be deemed to have come into force on Idem the 1st day of January, 1975.

(3) Subsections 6 and 7 of section 10 and section 15 Idem come into force on the 1st day of January, 1979.

- 21.** This Act may be cited as *The Municipal Amendment Act, 1976*. Short title

BILL 149

An Act to amend
The Municipal Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 149

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 227 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 124, section 2, is repealed and the following substituted therefor: s. 227 (1),
re-enacted

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable by the council for cause, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Municipal Affairs Act*,* except school boards established under Part III or Part IV of *The Education Act*, 1974, or under Part VIII of *The Regional Municipality of Ottawa Carleton Act*, or under Part VIII of *The Municipality of Metropolitan Toronto Act*. Appointment
of auditors

R.S.O. 1970,
cc. 118, 295, 407
1974, c. 109

2. The said Act is amended by adding thereto the following section: s. 242a,
enacted

242a: Where the council of any municipality passes a comprehensive general by-law dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein (which by-law may be known as "The [name of municipality] Municipal Code") and such by-law consolidates and includes therein the provisions of any by-law previously passed by the council, Municipal
Code

- (a) the provisions in the comprehensive general by-law shall be deemed to have come into force on the day the original by-law came into force; and

- (b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general by-law.

s. 288 (1) (b, c),
re-enacted

- 3.** Clauses *b* and *c* of subsection 1 of section 288 of the said Act are repealed and the following substituted therefor:

- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;

- (c) if the debt is for the purchase of roadmaking machinery and appliances, in ten years.

s. 293 (3) (g),
re-enacted

- 4.** Clause *g* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

- (g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality; or

s. 296 (1),
re-enacted

- 5.—(1)** Subsection 1 of section 296 of the said Act is repealed and the following substituted therefor:

When rate
of interest
may be
varied

- (1) If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may, without the assent of the electors, pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

- (2) The said section 296 is amended by adding thereto the following subsections: s. 296,
amended

(1a) Notwithstanding subsection 1, the council of a municipality having a population of less than 20,000 as determined under *The Ontario Unconditional Grants Act, 1975*, shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained. Where
Municipal
Board
approval
required
1975, c. 7

(1b) Notwithstanding subsection 1, the council of a municipality shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of. Idem

- 6.—(1) Subsection 1 of section 306 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed and the following substituted therefor: s. 306 (1),
re-enacted

(1) The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture. Federation
of
Agriculture,
special rate

- (2) Subsection 2 of the said section 306, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed. s. 306 (2),
repealed

s. 306 (3),
re-enacted

(3) Subsection 3 of the said section 306 is repealed and the following substituted therefor:

By-law
remains in
force until
repealed

(3) A by-law passed under subsection 1 remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

s. 308 (1),
re-enacted

7.—(1) Subsection 1 of section 308 of the said Act is repealed and the following substituted therefor:

Reserve
funds
R.S.O. 1970,
c. 118

(1) Every municipality as defined in *The Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

s. 308 (4),
re-enacted

(2) Subsection 4 of the said section 308, as amended by the Statutes of Ontario, 1974, chapter 136, section 10, is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(4) The council may by by-law provide that the moneys raised for a reserve fund established under subsection 1 may be expended, pledged or applied to a purpose other than that for which the fund was established.

s. 339 (4),
re-enacted

8. Subsection 4 of section 339 of the said Act is repealed and the following substituted therefor:

By-law not
to be
repealed
except with
leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

- 9.—(1) Clause *f* of paragraph 72 of section 352 of the said Act is repealed and the following substituted therefor: s. 352,
par. 72 (*f*),
re-enacted

(*f*) Such reserve fund shall be applied, Idem

(i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and

(ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and

(iii) thirdly, for such other purposes as the council may approve.

- (2) Clause *a* of paragraph 73 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 73 (*a*),
re-enacted

(*a*) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be a person qualified to be elected as a member of the council of the municipality, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed. Incorporation
and members

- (3) Clause *b* of paragraph 73 of the said section 352 is repealed. s. 352,
par. 73 (*b*),
repealed

- (4) Any person holding office as the member of a parking authority established under paragraph 73 of section 352 of *The Municipal Act*, or any predecessor thereof, at the date this section comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to clause *a* of paragraph 73 of the said section 352, as re-enacted by subsection 2 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

- (5) Clause *c* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (*c*),
re-enacted

(*c*) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.

s. 354 (1)
para. 1, 2,
re-enacted,
par. 3
repealed

10.—(1) Paragraphs 1, 2 and 3 of subsection 1 of section 354 of the said Act are repealed and the following substituted therefor:

Prohibiting
or regulating
keeping of
animals

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

Regulating
animal
breeding or
boarding
estab-
lishments

2. For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

s. 354 (1)
par. 5,
re-enacted

(2) Paragraph 5 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Animals
being at
large or
trespassing

5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

s. 354 (1)
par. 49,
re-enacted

(3) Paragraph 49 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Power to
buy and
sell fuel
and food

49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:

i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.

iii. For appointing officers, clerks and servants to manage and conduct such businesses.

- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.

(a) The by-law need not be assented to by the electors.

(b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.

(4) Clause *d* of paragraph 50 of subsection 1 of the said section 354, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 10, is repealed. s. 354 (1)
par. 50 (d),
repealed

(5) Clause *b* of paragraph 53 of subsection 1 of the said section 354 is repealed and the following substituted therefor: s. 354 (1)
par. 53 (b),
re-enacted

(b) No such by-law requires the assent of the electors. Assent of
electors not
required

(6) Paragraph 86 of subsection 1 of the said section 354 is repealed. s. 354 (1)
par. 86,
repealed

(7) Paragraph 87 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1)
par. 87,
re-enacted

87. For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor. Licensing
of trailers

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the Interpre-
tation

living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Application
of by-law

- (b) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

Licence
fees

- (c) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

Application
of
R.S.O. 1970,
c. 32

- (d) No license fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

s. 354 (1)
par. 96,
re-enacted

- (8) Paragraph 96 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Encroach-
ment on
highway for
refacing

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

s. 354 (1)
par. 97 (a),
re-enacted

- (9) Clause *a* of paragraph 97 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Proceedings
for changing
names of
streets

- (a) A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.

s. 361 (6),
re-enacted

- 11.—(1) Subsection 6 of section 361 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 11, is repealed and the following substituted therefor:

Board of
Management

- (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or

nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the council.

- (2) Subsection 7 of the said section 361 is repealed and the following substituted therefor: s. 361 (7),
re-enacted

(7) Each member shall hold office from the time of his appointment until the expiration of the term of the council that appointed him, provided he continues to be qualified, as provided in subsection 6. Term of
office

- (3) Any person holding office as a member of a Board of Management established under section 361 of *The Municipal Act* at the date this subsection comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to subsection 6 of the said section 361, as re-enacted by subsection 1 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

12. Subsection 18 of section 362 of the said Act is repealed and the following substituted therefor: s. 362 (18),
re-enacted

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. Sewage
service rate
structure

R.S.O. 1970,
c. 32

13. Paragraph 4 of section 368 of the said Act is repealed and the following substituted therefor: s. 368
par. 4,
re-enacted

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years. Police
signal
system

- (a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

s. 373
par. 4,
re-enacted

14. Paragraph 4 of section 373 of the said Act is repealed and the following substituted therefor:

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed.

s. 383
par. 16,
re-enacted

15. Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is repealed and the following substituted therefor:

Tourist
and trailer
camps

15. For licensing, regulating and governing tourist camps, trailer camps and motels.

Interpre-
tation

(a) In this paragraph,

i. "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

ii. "trailer camp" means land in or upon which any vehicle, so constructed that

it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(b) Any by-law passed under this paragraph, may, among other things,

- i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,
- ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- iii. require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under *The Assessment Act*, no licence fee shall be charged.

R.S.O. 1970,
c. 32

16. Section 431 of the said Act is repealed and the following substituted therefor:

s. 431,
re-enacted

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is approved by the Municipal Board.

Issue of
debentures
for
reflooring
bridge

s. 521a,
enacted

17. The said Act is further amended by adding thereto the following section:

By-law
may
authorize
two separate
tax notices

521a.—(1) Notwithstanding section 521, in cities, towns, villages and townships, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 521.

Contents of
notices

(2) Where a council has passed a by-law under subsection 1, each notice prepared pursuant to such by-law shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice and also containing any information required to be entered in the collector's roll under section 516 that pertains to the taxes referred to in the notice.

Idem

(3) A notice prepared pursuant to a by-law under subsection 1 that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

Application
of s. 521 (1, 2)
and s. 522

(4) The provisions of subsections 1 and 2 of section 521, relating to the manner of delivering or mailing of the notice, and section 522 apply *mutatis mutandis* to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 521.

s. 527 (3),
re-enacted

18. Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 15, is repealed and the following substituted therefor:

Penalty
for non-
payment of
taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) As an alternative to a by-law passed under subsection 3, the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower

rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

- 19.** Subsection 1 of section 553 of the said Act, as re-enacted ^{s. 553 (1), re-enacted} by the Statutes of Ontario, 1976, chapter 51, section 16, is repealed and the following substituted therefor:

(1) Notwithstanding any special Act, but subject to ^{Interest on tax arrears} subsection 2, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding 1 per cent per month.

(2) Notwithstanding subsection 1 or any special Act, ^{Idem} the council of a local municipality may, by by-law, require that the treasurer, collector or county treasurer, as the case may be, add to the amount of all taxes due and unpaid interest at such rate not exceeding 12 per cent per annum as the council determines, from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

(2a) No interest or percentage added to taxes shall be ^{Interest, etc., not to be compounded} compounded.

- 20.**—(1) This Act, except subsections 6 and 7 of section 10 and ^{Commence-ment} sections 12 and 15, comes into force on the day it receives Royal Assent.

(2) Section 12 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1975.

(3) Subsections 6 and 7 of section 10 and section 15 ^{Idem} come into force on the 1st day of January, 1979.

- 21.** This Act may be cited as *The Municipal Amendment Act, 1976*. ^{Short title}

BILL 149

An Act to amend
The Municipal Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Regional Municipalities Amendment Act, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

PART I — Ottawa-Carleton (ss. 1-6).

PART II — Niagara (ss. 7-11).

PART III — York (ss. 12-18).

PART IV — Waterloo (ss. 19-23).

PART V — Sudbury (ss. 24-29).

PART VI — Peel (ss. 30-35).

PART VII — Halton (ss. 36-41).

PART VIII — Hamilton-Wentworth (ss. 42-47).

PART IX — Durham (ss. 48-54).

PART X — Haldimand-Norfolk (ss. 55-60).

The following five numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. Sections 2, 7, 13, 19, 25, 30, 36, 42, 48, 55.

The effect of the repeal is to remove the mandatory requirement that the Regional Council appoint a civil engineer as Regional Roads Commissioner. An example of one of the sections proposed to be repealed is set out below:

66.—(1) *The Regional Council shall by by-law appoint a Regional Roads Commissioner, who shall be a professional engineer registered as a civil engineer under The Professional Engineers Act, to administer and manage the regional road system.*

(2) *The Regional Roads Commissioner shall not be dismissed from office except after a hearing by the Regional Council if so requested by the Commissioner.*

2. Sections 3, 8, 14, 20, 26, 32, 38, 44, 51, 57.

The effect of the amendment is to remove the present requirement that the establishment of a reserve fund requires a two-thirds vote of the members present at a council meeting and that moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except with the approval of the Ministry. In both cases a simple majority of the council will now suffice. An example of one of the sections as it now reads is set out below, showing underlined in subsections 1 and 3 the requirements to be dropped.

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

3. Sections 4, 15, 19, 21, 27, 33, 40, 45, 52, 58.

The effect of the amendment is to permit the payment of remuneration to alternate members of sinking fund committees. An example of one of the subsections is set out below showing underlined the words proposed to be added by the re-enactment.

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

4. Sections 5, 10, 16, 22, 28, 34, 39, 46, 53, 59.

An example of the subsection proposed to be re-enacted is shown set out below as it presently reads:

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the Regional Council the provisions of section 296 (1) of *The Municipal Act*. (amended as proposed by the Bill presently before the House entitled An Act to amend *The Municipal Act*, 1976). The result will be that the Regional Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

5. *Sections 6, 11, 17, 23, 29 (1), 35, 41, 47, 54, 60.*

The effect of the re-enactment is to make applicable to a Regional Corporation two further sections of *The Municipal Act*. The applicable sections of *The Municipal Act* are set out below:

242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*

(2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*

(a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*

(b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the Legislature entitled An Act to amend *The Municipal Act*, 1976).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

The sections mentioned below are applicable to the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

Sections 24, 31, 37, 43, 49, 56.

The collection and disposal of sewage is a regional responsibility. One of the methods by which a regional corporation may finance the cost incurred in discharging that responsibility is the imposition of a surcharge on the water rate. Set out below is an example of the subsection authorizing the method of financing as it will read incorporating the re-enacted clause *a*. Shown underlined in that clause are the words added by the re-enactment:

(2) *The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,*

(a) *by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act;*

(b) *by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or*

(c) *by any method or methods authorized by law or by any combination thereof.*

The following sections of the Bill relate only to the regional municipalities mentioned in the notes.

SECTION 1. The effect of the re-enactment is to remove the requirement that by-laws of the Regional Council of Ottawa-Carleton prescribing speed limits on regional roads be approved by the Ministry of Transportation and Communications. Section 55c presently reads as follows:

55c.—(1) *The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of The Highway Traffic Act, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour.*

(2) *No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under The Highway Traffic Act.*

SECTION 12. The subsections being re-enacted presently read as follows:

34.—(1) *The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.*

(2) *In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.*

(3) *The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system*

will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

The effect of the re-enactment will be to permit the York Regional Council to charge different rates in respect of water supplied to area municipalities or parts thereof.

SECTION 18. The added subsection will permit the York Regional Corporation to construct buildings for the use of the Children's Aid Society and to lease such buildings to the Society.

SECTION 29—Subsection 2. The effect of the re-enactment is to deem The Regional Municipality of Sudbury to be a municipality for the purposes of paragraph 74a of section 352 of *The Municipal Act*. That paragraph authorizes a municipality to enter into agreements with Ontario respecting regional economic development and reads as follows:

74a. For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and, subject to the approval of the Minister, any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty.

SECTION 50. The name of the planning area now known as the Durham Planning Area is changed to the Regional Municipality of Durham Planning Area in an attempt to avoid confusion with the Town of Durham in the County of Grey.

The Regional Municipalities Amendment Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 2 of section 55c of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is repealed and the following substituted therefor:
 - (2) The regional roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*. s. 55c (2),
re-enacted
Marking
of roads
R.S.O. 1970,
c. 202
2. Section 66 of the said Act is repealed. s. 66,
repealed
- 3.—(1) Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:
 - (1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds
 - (2) Subsection 3 of the said section 94 is repealed and the following substituted therefor: s. 94 (3),
re-enacted
 - (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. Expenditure
of reserve
fund moneys
4. Subsection 23 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 19, is repealed and the following substituted therefor: s. 100 (23),
re-enacted

Alternate members

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

**s. 101 (1),
re-enacted**

5. Subsection 1 of section 101 of the said Act is repealed and the following substituted therefor:

**Application
of R.S.O. 1970,
c. 284, s. 296 (1)**

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

**s. 124 (1),
re-enacted**

6. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 10, is repealed and the following substituted therefor:

**Application
of R.S.O. 1970,
c. 284**

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12 and 24 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

**s. 89,
repealed**

7. Section 89 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed.

**s. 129 (1),
re-enacted**

8. —(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor:

**Reserve
funds**

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

**s. 129 (3),
re-enacted**

- (2) Subsection 3 of the said section 129 is repealed and the following substituted therefor:

**Expenditure
of reserve
fund moneys**

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

9. Subsection 23 of section 135 of the said Act, as re-enacted by <sup>s. 135 (23),
re-enacted</sup> the Statutes of Ontario, 1972, chapter 51, section 13, is repealed and the following substituted therefor:

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. <sup>Alternate
members</sup>

10. Subsection 1 of section 136 of the said Act is repealed and <sup>s. 136 (1),
re-enacted</sup> the following substituted therefor:

(1) Subsection 1 of section 296 of *The Municipal Act* applies <sup>Application
of R.S.O. 1970,
c. 284, s. 296 (1)</sup> *mutatis mutandis* to the Regional Council.

11. Subsection 1 of section 154 of the said Act, as re-enacted by <sup>s. 154 (1),
re-enacted</sup> the Statutes of Ontario, 1976, chapter 43, section 24, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, and sections 333 and 348, paragraphs 3, 10, 11, 12 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply <sup>Application
of R.S.O. 1970,
c. 284</sup> *mutatis mutandis* to the Regional Corporation.

PART III

THE REGIONAL MUNICIPALITY OF YORK ACT

12. Subsections 1, 2 and 3 of section 34 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: <sup>s. 34 (1-3),
re-enacted</sup>

(1) The Regional Council may pass by-laws fixing the rates or other charges at which water will be supplied to the area municipalities, or parts thereof, and the times and places when and where the rates or other charges shall be payable. <sup>Rates or
other charges
for water</sup>

(2) In fixing the rates or other charges, the Regional Council ^{Idem} may use its discretion as to the rate, rates or other charges to be charged to any area municipality or part thereof, and may charge different rates or other charges to one or more of the area municipalities or parts thereof.

Self-sustaining

(3) The Regional Council shall so fix the rates or other charges at which water is supplied to the area municipalities or parts thereof that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

s. 87,
repealed

13. Section 87 of the said Act is repealed.

s. 124 (1),
re-enacted

14.—(1) Subsection 1 of section 124 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 124 (3),
re-enacted

(2) Subsection 3 of the said section 124 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 130 (23),
re-enacted

15. Subsection 23 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 17, is repealed and the following substituted therefor:

Alternate
members

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 131 (1),
re-enacted

16. Subsection 1 of section 131 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council

s. 149 (1),
re-enacted

17. Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 35, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308,

sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

18. Section 165 of the said Act is amended by adding thereto the following subsection: s. 165,
amended

(1a) The Regional Corporation may construct buildings for the use of The Children's Aid Society of The Regional Municipality of York and may lease land and any buildings so constructed to The Children's Aid Society of The Regional Municipality of York. Buildings
for use of
children's aid
society

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

19. Section 91 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed. s. 91,
repealed

- 20.—(1) Subsection 1 of section 132 of the said Act is repealed and the following substituted therefor: s. 132 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

- (2) Subsection 3 of the said section 132 is repealed and the following substituted therefor: s. 132 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. Expenditure
of reserve
fund moneys

21. Subsection 25 of section 138 of the said Act is repealed and the following substituted therefor: s. 138 (25),
re-enacted

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members

22. Subsection 1 of section 139 of the said Act is repealed and the following substituted therefor: s. 139 (1),
re-enacted

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 158 (1),
re-enacted

- 23.** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 47, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 31 (2) (a),
re-enacted

- 24.** Clause *a* of subsection 2 of section 31 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

s. 74,
repealed

- 25.** Section 74 of the said Act is repealed.

s. 90 (1),
re-enacted

- 26.**—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

- (2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

27. Subsection 25 of section 95 of the said Act is repealed and the following substituted therefor: s. 95 (25),
re-enacted

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members

28. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

- 29.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 58, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

- (2) Subsection 4 of the said section 115 is repealed and the following substituted therefor: s. 115 (4),
re-enacted

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 74a of section 352, paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Development
agreements,
public
trans-
portation
systems,
refuse
disposal,
enter-
tainment
expenses, etc.
R.S.O. 1970,
c. 284

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

30. Section 52 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed. s. 52,
repealed

31. Clause a of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor: s. 77 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed

to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

s. 90 (1),
re-enacted

32.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 96 (25),
re-enacted

33. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 97 (1),
re-enacted

34. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 115 (1),
re-enacted

35. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 69, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 36.** Section 52 of *The Regional Municipality of Halton Act, 1973*, s. 52, repealed
being chapter 70, is repealed.
- 37.** Clause *a* of subsection 2 of section 77 of the said Act, as s. 77 (2) (a), re-enacted
re-enacted by the Statutes of Ontario, 1974, chapter 117,
section 41, is repealed and the following substituted therefor:
- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. R.S.O. 1970, c. 32
- 38.**--(1) Subsection 1 of section 90 of the said Act is repealed and s. 90 (1), re-enacted
the following substituted therefor:
- (1) The Regional Council may in each year provide in the Reserve funds
estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.
- (2) Subsection 3 of the said section 90 is repealed and the s. 90 (3), re-enacted
following substituted therefor:
- (3) The moneys raised for a reserve fund established under Expenditure of reserve fund moneys
subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.
- 39.** Subsection 1 of section 97 of the said Act is repealed and the s. 97 (1), re-enacted
following substituted therefor:
- (1) Subsection 1 of section 296 of *The Municipal Act* Application of R.S.O. 1970, c. 284, s. 296 (1)
applies *mutatis mutandis* to the Regional Council.
- 40.** Subsection 25 of section 96 of the said Act is repealed and the s. 96 (25), re-enacted
following substituted therefor:
- (25) The Regional Council may appoint an alternate Alternate members
member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the

current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 115 (1),
re-enacted

- 41.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 81, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 52,
repealed

- 42.** Section 52 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed.

s. 77 (2) (a),
re-enacted

- 43.** Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

s. 90 (1),
re-enacted

- 44.—**(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

- (2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

45. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (25),
re-enacted

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members

46. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor: s. 97 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

47. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 92, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

48. Section 53 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed. s. 53,
repealed

49. Clause *a* of subsection 2 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor: s. 55 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Durham
Planning
Area
continued
under name
Regional
Municipality
of Durham
Planning
Area

50.—(1) On and after the 1st day of January, 1977, the planning area designated as the Durham Planning Area by subsection 1 of section 59 of *The Regional Municipality of Durham Act, 1973*, shall be continued as a planning area to be known as the Regional Municipality of Durham Planning Area.

References in
1973, c. 78,
Pt. VI

(2) Any reference in Part VI of *The Regional Municipality of Durham Act, 1973*, to the Durham Planning Area shall, after the 1st day of January, 1977, be deemed to be a reference to the Regional Municipality of Durham Planning Area.

s. 98 (1),
re-enacted

51.—(1) Subsection 1 of section 98 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 98 (3),
re-enacted

(2) Subsection 3 of the said section 98 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 104 (25),
re-enacted

52. Subsection 25 of section 104 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 105 (1),
re-enacted

53. Subsection 1 of section 105 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 123 (1),
re-enacted

54. Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 104, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

55. Section 52 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed. s. 52,
repealed

56. Clause *a* of subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

57.—(1) Subsection 1 of section 94 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

(2) Subsection 3 of the said section 94 is repealed and the following substituted therefor: s. 94 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. Expenditure
of reserve
fund moneys

58. Subsection 25 of section 100 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 100 (25),
re-enacted

Alternate members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1), re-enacted

- 59.** Subsection 1 of section 101 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 119 (1), re-enacted

- 60.** Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 115, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

MISCELLANEOUS

Commencement

- 61.—**(1) This Act, except sections 12 and 24, subsection 2 of section 29, and sections 31, 37, 43, 49 and 56, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 12 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

- (3) Sections 24, 31, 37, 43, 49 and 56 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

- (4) Subsection 2 of section 29 shall be deemed to have come into force on the 1st day of January, 1976.

Short title

- 62.** This Act may be cited as *The Regional Municipalities Amendment Act, 1976*.

1870. The first year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1871. The second year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1872. The third year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1873. The fourth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1874. The fifth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1875. The sixth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1876. The seventh year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1877. The eighth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1878. The ninth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

1879. The tenth year of the war was a year of great suffering and distress. The people were poor and the country was in a state of anarchy. The government was weak and the people were divided. The war was a great disaster for the country.

The Regional Municipalities Amendment
Act, 1976

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Regional Municipalities Amendment Act, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

- PART I — Ottawa-Carleton (ss. 1-6).
- PART II — Niagara (ss. 7-11).
- PART III — York (ss. 12-19).
- PART IV — Waterloo (ss. 20-24).
- PART V — Sudbury (ss. 25-30).
- PART VI — Peel (ss. 31-36).
- PART VII — Halton (ss. 37-42).
- PART VIII — Hamilton-Wentworth (ss. 43-48).
- PART IX — Durham (ss. 49-55).
- PART X — Haldimand-Norfolk (ss. 56-61).

The following five numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 2, 7, 14, 20, 26, 31, 37, 43, 49, 56.*

The effect of the repeal is to remove the mandatory requirement that the Regional Council appoint a civil engineer as Regional Roads Commissioner. An example of one of the sections proposed to be repealed is set out below:

66.—(1) *The Regional Council shall by by-law appoint a Regional Roads Commissioner, who shall be a professional engineer registered as a civil engineer under The Professional Engineers Act, to administer and manage the regional road system.*

(2) *The Regional Roads Commissioner shall not be dismissed from office except after a hearing by the Regional Council if so requested by the Commissioner.*

2. *Sections 3, 8, 15, 21, 27, 33, 39, 45, 52, 58.*

The effect of the amendment is to remove the present requirement that the establishment of a reserve fund requires a two-thirds vote of the members present at a council meeting and that moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except with the approval of the Ministry. In both cases a simple majority of the council will now suffice. An example of one of the sections as it now reads is set out below, showing underlined in subsections 1 and 3 the requirements to be dropped.

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

3. Sections 4, 16, 20, 22, 28, 34, 41, 46, 53, 59.

The effect of the amendment is to permit the payment of remuneration to alternate members of sinking fund committees. An example of one of the subsections is set out below showing underlined the words proposed to be added by the re-enactment.

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

4. Sections 5, 10, 17, 23, 29, 35, 40, 47, 54, 60.

An example of the subsection proposed to be re-enacted is shown set out below as it presently reads:

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (c) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the Regional Council the provisions of section 296 (1) of *The Municipal Act*. (amended as proposed by the Bill presently before the House entitled An Act to amend *The Municipal Act*, 1976). The result will be that the Regional Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

5. *Sections 6, 11, 18, 24, 30 (1), 36, 42, 48, 55, 61.*

The effect of the re-enactment is to make applicable to a Regional Corporation two further sections of *The Municipal Act*. The applicable sections of *The Municipal Act* are set out below:

242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*

(2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*

(a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*

(b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the Legislature entitled An Act to amend *The Municipal Act*, 1976).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

The sections mentioned below are applicable to the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

Sections 25, 32, 38, 44, 50, 57.

The collection and disposal of sewage is a regional responsibility. One of the methods by which a regional corporation may finance the cost incurred in discharging that responsibility is the imposition of a surcharge on the water rate. Set out below is an example of the subsection authorizing the method of financing as it will read incorporating the re-enacted clause *a*. Shown underlined in that clause are the words added by the re-enactment:

- (2) *The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,*
- (a) *by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act;*
- (b) *by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or*
- (c) *by any method or methods authorized by law or by any combination thereof.*

The following sections of the Bill relate only to the regional municipalities mentioned in the notes.

SECTION 1. The effect of the re-enactment is to remove the requirement that by-laws of the Regional Council of Ottawa-Carleton prescribing speed limits on regional roads be approved by the Ministry of Transportation and Communications. Section 55c presently reads as follows:

- 55c.—(1) *The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of The Highway Traffic Act, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour.*
- (2) *No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under The Highway Traffic Act.*

SECTION 12. The Township of East Gwillimbury in The Regional Municipality of York is erected into a town municipality, effective the 1st day of January, 1977.

SECTION 13. The subsections being re-enacted presently read as follows:

- 34.—(1) *The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.*
- (2) *In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.*

- (3) *The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.*

The effect of the re-enactment will be to permit the York Regional Council to charge different rates in respect of water supplied to area municipalities or parts thereof.

SECTION 19. The added subsection will permit the York Regional Corporation to construct buildings for the use of the Children's Aid Society and to lease such buildings to the Society.

SECTION 30.—Subsection 2. The effect of the re-enactment is to deem The Regional Municipality of Sudbury to be a municipality for the purposes of paragraph 74a of section 352 of *The Municipal Act*. That paragraph authorizes a municipality to enter into agreements with Ontario respecting regional economic development and reads as follows:

74a. For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and, subject to the approval of the Minister, any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty.

SECTION 51. The name of the planning area now known as the Durham Planning Area is changed to the Regional Municipality of Durham Planning Area in an attempt to avoid confusion with the Town of Durham in the County of Grey.

The Regional Municipalities Amendment Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 2 of section 55c of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is repealed and the following substituted therefor:

s. 55c (2),
re-enacted

(2) The regional roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads
R.S.O. 1970,
c. 202

2. Section 66 of the said Act is repealed.

s. 66,
repealed

- 3.—(1) Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

s. 94 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

Expenditure
of reserve
fund moneys

4. Subsection 23 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 19, is repealed and the following substituted therefor:

s. 100 (23),
re-enacted

Alternate members

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1), re-enacted

5. Subsection 1 of section 101 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 124 (1), re-enacted

6. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 10, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12 and 24 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 89, repealed

7. Section 89 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed.

s. 129 (1), re-enacted

- 8.—(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor:

Reserve funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 129 (3), re-enacted

- (2) Subsection 3 of the said section 129 is repealed and the following substituted therefor:

Expenditure of reserve fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

9. Subsection 23 of section 135 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 13, is repealed and the following substituted therefor: s. 135 (23),
re-enacted

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members

10. Subsection 1 of section 136 of the said Act is repealed and the following substituted therefor: s. 136 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

11. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 24, is repealed and the following substituted therefor: s. 154 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, and sections 333 and 348, paragraphs 3, 10, 11, 12 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART III

THE REGIONAL MUNICIPALITY OF YORK

12. Section 2 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 1, is further amended by adding thereto the following subsections: s. 2,
amended

(2a) On the 1st day of January, 1977, The Corporation of the Township of East Gwillimbury is erected into a town municipality bearing the name of The Corporation of the Town of East Gwillimbury. Township
of East
Gwillimbury
erected into
town
municipality

(2b) Sections 17, 19 and 22 of *The Municipal Act* apply *mutatis mutandis* in respect of the erecting of The Corporation of the Township of East Gwillimbury into a town municipality. Application
of R.S.O. 1970,
c. 284,
ss. 17, 19, 22

References
in Acts

(2c) A reference in this or any other general or special Act to The Corporation of the Township of East Gwillimbury or to the Township of East Gwillimbury shall be deemed to be a reference to The Corporation of the Town of East Gwillimbury and to the Town of East Gwillimbury, respectively.

s. 34 (1-3),
re-enacted

- 13.** Subsections 1, 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

Rates or
other charges
for water

(1) The Regional Council may pass by-laws fixing the rates or other charges at which water will be supplied to the area municipalities, or parts thereof, and the times and places when and where the rates or other charges shall be payable.

Idem

(2) In fixing the rates or other charges, the Regional Council may use its discretion as to the rate, rates or other charges to be charged to any area municipality or part thereof, and may charge different rates or other charges to one or more of the area municipalities or parts thereof.

Self-
sustaining

(3) The Regional Council shall so fix the rates or other charges at which water is supplied to the area municipalities or parts thereof that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

s. 87,
repealed

- 14.** Section 87 of the said Act is repealed.

s. 124 (1),
re-enacted

- 15.**—(1) Subsection 1 of section 124 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 124 (3),
re-enacted

- (2) Subsection 3 of the said section 124 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 130 (23),
re-enacted

- 16.** Subsection 23 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 17, is repealed and the following substituted therefor:

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

Alternate
members

17. Subsection 1 of section 131 of the said Act is repealed and the following substituted therefor:

s. 131 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

18. Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 35, is repealed and the following substituted therefor:

s. 149 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

19. Section 165 of the said Act is amended by adding thereto the following subsection:

s. 165,
amended

(1a) The Regional Corporation may construct buildings for the use of The Children's Aid Society of The Regional Municipality of York and may lease land and any buildings so constructed to The Children's Aid Society of The Regional Municipality of York.

Buildings
for use of
children's aid
society

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

20. Section 91 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed.

s. 91,
repealed

- 21.—(1) Subsection 1 of section 132 of the said Act is repealed and the following substituted therefor:

s. 132 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (2) Subsection 3 of the said section 132 is repealed and the following substituted therefor:

s. 132 (3),
re-enacted

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 138 (25),
re-enacted

- 22.** Subsection 25 of section 138 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 139 (1),
re-enacted

- 23.** Subsection 1 of section 139 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 158 (1),
re-enacted

- 24.** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 47, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 31 (2) (a),
re-enacted

- 25.** Clause *a* of subsection 2 of section 31 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

26. Section 74 of the said Act is repealed.

s. 74,
repealed

27.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

s. 90 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

s. 90 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

Expenditure
of reserve
fund moneys

28. Subsection 25 of section 95 of the said Act is repealed and the following substituted therefor:

s. 95 (25),
re-enacted

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

Alternate
members

29. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

s. 96 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

30.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 58, is repealed and the following substituted therefor:

s. 115 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

(2) Subsection 4 of the said section 115 is repealed and the following substituted therefor:

s. 115 (4),
re-enacted

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 74a of section 352, paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Development
agreements,
public
trans-
portation
systems,
refuse
disposal,
enter-
tainment
expenses, etc.
R.S.O. 1970,
c. 284

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 52,
repealed

31. Section 52 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed.

s. 77 (2) (a),
re-enacted

32. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32s. 90 (1),
re-enacted

33.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 96 (25),
re-enacted

34. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 97 (1),
re-enacted

35. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

(1) Subsection 1 of section 296 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 296 (1)} applies *mutatis mutandis* to the Regional Council.

- 36.** Subsection 1 of section 115 of the said Act, as re-enacted by ^{s. 115 (1), re-enacted} the Statutes of Ontario, 1976, chapter 43, section 69, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and ^{Application of R.S.O. 1970, c. 284} 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 37.** Section 52 of *The Regional Municipality of Halton Act, 1973*, ^{s. 52, repealed} being chapter 70, is repealed.

- 38.** Clause *a* of subsection 2 of section 77 of the said Act, as ^{s. 77 (2) (a), re-enacted} re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. ^{R.S.O. 1970, c. 32}

- 39.**—(1) Subsection 1 of section 90 of the said Act is repealed and ^{s. 90 (1), re-enacted} the following substituted therefor:

(1) The Regional Council may in each year provide in the ^{Reserve funds} estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

- (2) Subsection 3 of the said section 90 is repealed and the ^{s. 90 (3), re-enacted} following substituted therefor:

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to ^{Expenditure of reserve fund moneys} any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 97 (1),
re-enacted

40. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

- (1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 96 (25),
re-enacted

41. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

- (25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 115 (1),
re-enacted

42. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 81, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

- (1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 52,
repealed

43. Section 52 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, is repealed.

s. 77 (2) (a),
re-enacted

44. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 45.—(1) Subsection 1 of section 90 of the said Act is repealed <sup>s. 90 (1),
re-enacted</sup> and the following substituted therefor:

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. <sup>Reserve
funds</sup>

- (2) Subsection 3 of the said section 90 is repealed and the following substituted therefor: <sup>s. 90 (3),
re-enacted</sup>

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. <sup>Expenditure
of reserve
fund moneys</sup>

46. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor: <sup>s. 96 (25),
re-enacted</sup>

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. <sup>Alternate
members</sup>

47. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor: <sup>s. 97 (1),
re-enacted</sup>

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. <sup>Application
of R.S.O. 1970,
c. 284, s. 296 (1)</sup>

48. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 92, is repealed and the following substituted therefor: <sup>s. 115 (1),
re-enacted</sup>

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. <sup>Application
of R.S.O. 1970,
c. 284</sup>

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

49. Section 53 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed. <sup>s. 53,
repealed</sup>

s. 55 (2) (a),
re-enacted

50. Clause *a* of subsection 2 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Durham
Planning
Area
continued
under name
Regional
Municipality
of Durham
Planning
Area

51.—(1) On and after the 1st day of January, 1977, the planning area designated as the Durham Planning Area by subsection 1 of section 59 of *The Regional Municipality of Durham Act, 1973*, shall be continued as a planning area to be known as the Regional Municipality of Durham Planning Area.

References in
1973, c. 78,
Pt. VI

- (2) Any reference in Part VI of *The Regional Municipality of Durham Act, 1973*, to the Durham Planning Area shall, after the 1st day of January, 1977, be deemed to be a reference to the Regional Municipality of Durham Planning Area.

s. 98 (1),
re-enacted

52.—(1) Subsection 1 of section 98 of the said Act is repealed and the following substituted therefor:

Reserve
funds

- (1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 98 (3),
re-enacted

- (2) Subsection 3 of the said section 98 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 104 (25),
re-enacted

53. Subsection 25 of section 104 of the said Act is repealed and the following substituted therefor:

Alternate
members

- (25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member

and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

54. Subsection 1 of section 105 of the said Act is repealed and the following substituted therefor: s. 105 (1), re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application of R.S.O. 1970, c. 284, s. 296 (1)

55. Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 104, is repealed and the following substituted therefor: s. 123 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

56. Section 52 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed. s. 52, repealed

57. Clause *a* of subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (2) (a), re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970, c. 32

- 58.—(1) Subsection 1 of section 94 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 94 (1), re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a Reserve funds

reserve fund for any purpose for which it has authority to spend funds.

s. 94 (3),
re-enacted

(2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 100 (25),
re-enacted

59. Subsection 25 of section 100 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1),
re-enacted

60. Subsection 1 of section 101 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 119 (1),
re-enacted

61. Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 115, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

MISCELLANEOUS

Commence-
ment

62.—(1) This Act, except sections 13 and 25, subsection 2 of section 30, and sections 32, 38, 44, 50 and 57, comes into force on the day it receives Royal Assent.

- (2) Section 13 shall be deemed to have come into force on *Idem* the 1st day of January, 1971.
- (3) Sections 25, 32, 38, 44, 50 and 57 shall be deemed to *Idem* have come into force on the 1st day of January, 1975.
- (4) Subsection 2 of section 30 shall be deemed to have *Idem* come into force on the 1st day of January, 1976.

63. This Act may be cited as *The Regional Municipalities* **Short title**
Amendment Act, 1976.

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Received of the Treasurer of the
 United States for

the sum of

Five hundred and
 no/100

Five hundred and no/100

BILL 150

**The Regional Municipalities Amendment
Act, 1976**

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 150

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Regional Municipalities Amendment Act, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

The Regional Municipalities Amendment Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 2 of section 55c of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is repealed and the following substituted therefor:

s. 55c (2),
re-enacted

(2) The regional roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads
R.S.O. 1970,
c. 202

2. Section 66 of the said Act is repealed.

s. 66,
repealed

- 3.—(1) Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

s. 94 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

Expenditure
of reserve
fund moneys

4. Subsection 23 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 19, is repealed and the following substituted therefor:

s. 100 (23),
re-enacted

**Alternate
members**

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

**s. 101 (1),
re-enacted**

5. Subsection 1 of section 101 of the said Act is repealed and the following substituted therefor:

**Application
of R.S.O. 1970,
c. 284, s. 296 (1)**

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

**s. 124 (1),
re-enacted**

6. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 10, is repealed and the following substituted therefor:

**Application
of R.S.O. 1970,
c. 284**

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12 and 24 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

**s. 89,
repealed**

7. Section 89 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed.

**s. 129 (1),
re-enacted**

- 8.—(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor:

**Reserve
funds**

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

**s. 129 (3),
re-enacted**

- (2) Subsection 3 of the said section 129 is repealed and the following substituted therefor:

**Expenditure
of reserve
fund moneys**

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

9. Subsection 23 of section 135 of the said Act, as re-enacted by s. 135 (23),
the Statutes of Ontario, 1972, chapter 51, section 13, is repealed re-enacted
and the following substituted therefor:

(23) The Regional Council may appoint an alternate mem- Alternate
ber for each of the appointed members and any such alternate members
member has all the powers and duties of the member in the
absence or inability to act of such member and any such
alternate member may be paid, out of the current fund of
the Regional Corporation, such remuneration as the Regional
Council determines.

10. Subsection 1 of section 136 of the said Act is repealed and s. 136 (1),
the following substituted therefor: re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies Application
mutatis mutandis to the Regional Council. of R.S.O. 1970,
c. 284, s. 296 (1)

11. Subsection 1 of section 154 of the said Act, as re-enacted by s. 154 (1),
the Statutes of Ontario, 1976, chapter 43, section 24, is re-enacted
repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections Application
242a, 248a, 249 and 254, subsection 3 of section 308, and of R.S.O. 1970,
sections 333 and 348, paragraphs 3, 10, 11, 12 and 24 of c. 284
section 352, paragraph 61 of subsection 1 of section 354 and
section 394 of *The Municipal Act* apply *mutatis mutandis* to
the Regional Corporation.

PART III

THE REGIONAL MUNICIPALITY OF YORK

12. Section 2 of *The Regional Municipality of York Act*, being s. 2.
chapter 408 of the Revised Statutes of Ontario, 1970, as amended
amended by the Statutes of Ontario, 1972, chapter 78,
section 1, is further amended by adding thereto the following
subsections:

(2a) On the 1st day of January, 1977, The Corporation Township
of the Township of East Gwillimbury is erected into a of East
town municipality bearing the name of The Corporation of Gwillimbury
the Town of East Gwillimbury. erected into
town
municipality

(2b) Sections 17, 19 and 22 of *The Municipal Act* apply Application
mutatis mutandis in respect of the erecting of The Cor- of R.S.O. 1970,
poration of the Township of East Gwillimbury into a town c. 284,
municipality. ss. 17, 19, 22

References
in Acts

(2c) A reference in this or any other general or special Act to The Corporation of the Township of East Gwillimbury or to the Township of East Gwillimbury shall be deemed to be a reference to The Corporation of the Town of East Gwillimbury and to the Town of East Gwillimbury, respectively.

s. 34 (1-3),
re-enacted

13. Subsections 1, 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

Rates or
other charges
for water

(1) The Regional Council may pass by-laws fixing the rates or other charges at which water will be supplied to the area municipalities, or parts thereof, and the times and places when and where the rates or other charges shall be payable.

Idem

(2) In fixing the rates or other charges, the Regional Council may use its discretion as to the rate, rates or other charges to be charged to any area municipality or part thereof, and may charge different rates or other charges to one or more of the area municipalities or parts thereof.

Self-
sustaining

(3) The Regional Council shall so fix the rates or other charges at which water is supplied to the area municipalities or parts thereof that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

s. 87,
repealed

14. Section 87 of the said Act is repealed.

s. 124 (1),
re-enacted

15.—(1) Subsection 1 of section 124 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 124 (3),
re-enacted

(2) Subsection 3 of the said section 124 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 130 (23),
re-enacted

16. Subsection 23 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 17, is repealed and the following substituted therefor:

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate members

17. Subsection 1 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council Application
of R.S.O. 1970,
c. 284, s. 296 (1)

18. Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 35, is repealed and the following substituted therefor: s. 149 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

19. Section 165 of the said Act is amended by adding thereto the following subsection: s. 165,
amended

(1a) The Regional Corporation may construct buildings for the use of The Children's Aid Society of The Regional Municipality of York and may lease land and any buildings so constructed to The Children's Aid Society of The Regional Municipality of York. Buildings
for use of
children's aid
society

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

20. Section 91 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed. s. 91,
repealed

- 21.—(1) Subsection 1 of section 132 of the said Act is repealed and the following substituted therefor: s. 132 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

- (2) Subsection 3 of the said section 132 is repealed and the following substituted therefor: s. 132 (3),
re-enacted

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 138 (25),
re-enacted

22. Subsection 25 of section 138 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 139 (1),
re-enacted

23. Subsection 1 of section 139 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 158 (1),
re-enacted

24. Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 47, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 31 (2) (a),
re-enacted

25. Clause a of subsection 2 of section 31 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

26. Section 74 of the said Act is repealed.

s. 74,
repealed

27.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

s. 90 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

s. 90 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

Expenditure
of reserve
fund moneys

28. Subsection 25 of section 95 of the said Act is repealed and the following substituted therefor:

s. 95 (25),
re-enacted

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

Alternate
members

29. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

s. 96 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

30.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 58, is repealed and the following substituted therefor:

s. 115 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

(2) Subsection 4 of the said section 115 is repealed and the following substituted therefor:

s. 115 (4),
re-enacted

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 74a of section 352, paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Development
agreements,
public
trans-
portation
systems,
refuse
disposal,
enter-
tainment
expenses, etc.
R.S.O. 1970,
c. 284

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 52,
repealed

31. Section 52 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed.

s. 77 (2) (a),
re-enacted

32. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32s. 90 (1),
re-enacted

33.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 96 (25),
re-enacted

34. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 97 (1),
re-enacted

35. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

(1) Subsection 1 of section 296 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 296 (1)} applies *mutatis mutandis* to the Regional Council.

- 36.** Subsection 1 of section 115 of the said Act, as re-enacted by ^{s. 115 (1), re-enacted} the Statutes of Ontario, 1976, chapter 43, section 69, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and ^{Application of R.S.O. 1970, c. 284} 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 37.** Section 52 of *The Regional Municipality of Halton Act, 1973*, ^{s. 52, repealed} being chapter 70, is repealed.

- 38.** Clause *a* of subsection 2 of section 77 of the said Act, as ^{s. 77 (2) (a), re-enacted} re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. ^{R.S.O. 1970, c. 32}

- 39.**—(1) Subsection 1 of section 90 of the said Act is repealed and ^{s. 90 (1), re-enacted} the following substituted therefor:

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. ^{Reserve funds}

- (2) Subsection 3 of the said section 90 is repealed and the ^{s. 90 (3), re-enacted} following substituted therefor:

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. ^{Expenditure of reserve fund moneys}

s. 97 (1),
re-enacted

40. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 294, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 96 (25),
re-enacted

41. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 115 (1),
re-enacted

42. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 81, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 294

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 52,
repealed

43. Section 52 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed.

s. 77 (2) (a),
re-enacted

44. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 45.—(1) Subsection 1 of section 90 of the said Act is repealed ^{s. 90 (1),} and the following substituted therefor: ^{re-enacted}

(1) The Regional Council may in each year provide in ^{Reserve} the estimates for the establishment or maintenance of a ^{funds} reserve fund for any purpose for which it has authority to spend funds.

- (2) Subsection 3 of the said section 90 is repealed and the ^{s. 90 (3),} following substituted therefor: ^{re-enacted}

(3) The moneys raised for a reserve fund established under ^{Expenditure} subsection 1 shall not be expended, pledged or applied to ^{of reserve} any purpose other than that for which the fund was ^{fund moneys} established, unless approved by the Regional Council.

46. Subsection 25 of section 96 of the said Act is repealed and ^{s. 96 (25),} the following substituted therefor: ^{re-enacted}

(25) The Regional Council may appoint an alternate ^{Alternate} member for each of the appointed members and any such ^{members} alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

47. Subsection 1 of section 97 of the said Act is repealed and ^{s. 97 (1),} the following substituted therefor: ^{re-enacted}

(1) Subsection 1 of section 296 of *The Municipal Act* ^{Application} applies *mutatis mutandis* to the Regional Council. ^{of R.S.O. 1970,} ^{c. 284, s. 296 (1)}

48. Subsection 1 of section 115 of the said Act, as re-enacted ^{s. 115 (1),} by the Statutes of Ontario, 1976, chapter 43, section 92, ^{re-enacted} is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, ^{Application} subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, ^{of R.S.O. 1970,} 245, 248a, 249, 250, 254, subsection 3 of section 308 and ^{c. 284} sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

49. Section 53 of *The Regional Municipality of Durham Act, 1973*, ^{s. 53,} being chapter 78, is repealed. ^{repealed}

s. 55 (2) (a),
re-enacted

50. Clause *a* of subsection 2 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Durham
Planning
Area
continued
under name
Regional
Municipality
of Durham
Planning
Area

51.—(1) On and after the 1st day of January, 1977, the planning area designated as the Durham Planning Area by subsection 1 of section 59 of *The Regional Municipality of Durham Act, 1973*, shall be continued as a planning area to be known as the Regional Municipality of Durham Planning Area.

References in
1973, c. 78,
Pt. VI

- (2) Any reference in Part VI of *The Regional Municipality of Durham Act, 1973*, to the Durham Planning Area shall, after the 1st day of January, 1977, be deemed to be a reference to the Regional Municipality of Durham Planning Area.

s. 98 (1),
re-enacted

52.—(1) Subsection 1 of section 98 of the said Act is repealed and the following substituted therefor:

Reserve
funds

- (1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 98 (3),
re-enacted

- (2) Subsection 3 of the said section 98 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 104 (25),
re-enacted

53. Subsection 25 of section 104 of the said Act is repealed and the following substituted therefor:

Alternate
members

- (25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member

and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

54. Subsection 1 of section 105 of the said Act is repealed and the following substituted therefor: s. 105 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

55. Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 104, is repealed and the following substituted therefor: s. 123 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

56. Section 52 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed. s. 52,
repealed

57. Clause *a* of subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 58.—(1) Subsection 1 of section 94 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a Reserve
funds

reserve fund for any purpose for which it has authority to spend funds.

s. 94 (3),
re-enacted

- (2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 100 (25),
re-enacted

59. Subsection 25 of section 100 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1),
re-enacted

60. Subsection 1 of section 101 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 119 (1),
re-enacted

61. Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 115, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

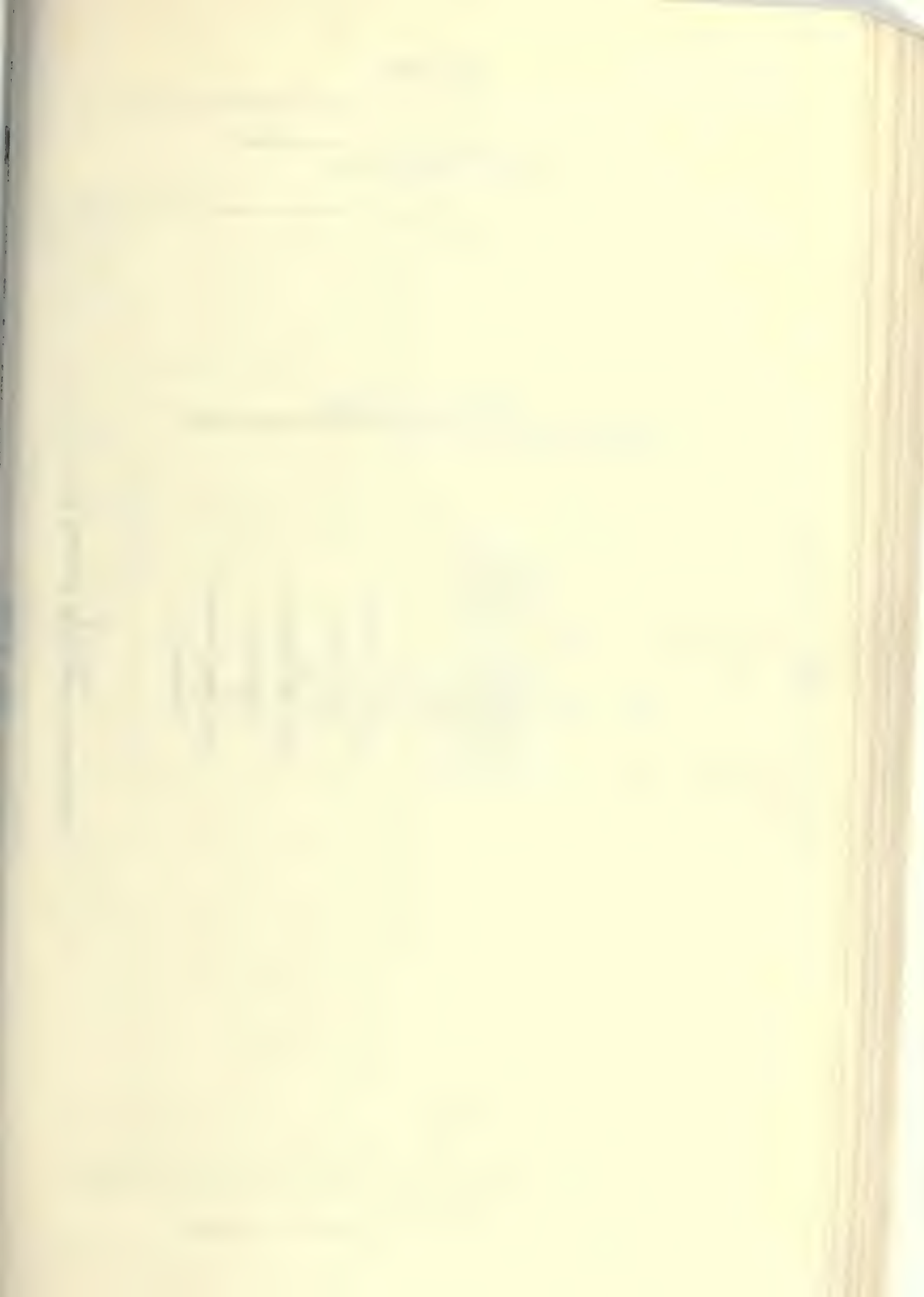
MISCELLANEOUS

Commence-
ment

- 62.—(1) This Act, except sections 13 and 25, subsection 2 of section 30, and sections 32, 38, 44, 50 and 57, comes into force on the day it receives Royal Assent.

- (2) Section 13 shall be deemed to have come into force on *Idem* the 1st day of January, 1971.
- (3) Sections 25, 32, 38, 44, 50 and 57 shall be deemed to *Idem* have come into force on the 1st day of January, 1975.
- (4) Subsection 2 of section 30 shall be deemed to have *Idem* come into force on the 1st day of January, 1976.

63. This Act may be cited as *The Regional Municipalities* **Short title**
Amendment Act, 1976.



BILL 130

The Regional Municipalities Amendment
Act, 1976

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The collection and disposal of sewage is a district responsibility. One of the methods by which the District Corporation may finance the cost incurred in discharging that responsibility is the imposition of a surcharge on the water rate. Set out below is the subsection authorizing that method of financing as it will read incorporating the re-enacted clause *a*. Shown underlined in that clause are the words added by the re-enactment.

(2) *The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,*

(a) *by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge, and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act;*

(b) *by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or*

(c) *by any method or methods authorized by law or by any combination thereof.*

SECTION 2. Section 66 presently reads as follows:

66. *The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under The Professional Engineers Act, to administer and manage the district road system.*

Its repeal will remove the mandatory requirement that the District Council appoint a civil engineer as District Roads Commissioner.

SECTION 3. Section 103 presently reads as follows:

103.—(1) *The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.*

BILL 151

1976

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 27 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor: s. 27 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge, and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. R.S.O. 1970,
c. 32

2. Section 66 of the said Act is repealed. s. 66,
repealed
3. Subsections 1 and 3 of section 103 of the said Act are repealed and the following substituted therefor: s. 103 (1, 3),
re-enacted

(1) The District Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the District Council. Expenditure
of reserve
fund moneys

s. 111 (23),
re-enacted

4. Subsection 23 of section 111 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 10, is repealed and the following substituted therefor:

Alternate
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the District Corporation, such remuneration as the District Council determines.

s. 112 (1),
re-enacted

5. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284,
s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the District Council.

s. 130 (1),
re-enacted

6. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 55, section 12, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-
ment

- 7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

8. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1976*.

- (2) *The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.*
- (3) *The moneys raised for a reserve fund established under subsection 1 shall not, without the approval of the Ministry, be expended, pledged or applied to any purpose other than that for which the fund was established.*
- (4) *The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.*

The re-enactment removes the requirement that the establishment of a reserve fund requires a two-thirds vote of the members present at a Council meeting and that moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except with the approval of the Ministry. In both cases a simple majority of the District Council will now suffice.

SECTION 4. Subsection 23 of section 111 now reads as follows:

- (23) *The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.*

The effect of the re-enactment is to permit the payment of remuneration to alternate members of the sinking fund committee.

SECTION 5. Subsection 1 of section 112 presently reads as follows:

112.—(1) *If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,*

- (a) *a different rate of interest;*
- (b) *a change in the amount to be raised annually and, if necessary, in the special levies;*
- (c) *such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
- (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*
- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the District Council the provisions of section 296 (1) of *The Municipal Act* (amended as proposed by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*). The result will be that the District Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

SECTION 6. The effect of the re-enactment is to make applicable to the District Corporation two further sections of *The Municipal Act*, viz: 242a and 333.

Those two sections are set out below:

242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*

(2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*

(a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*

(b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

新華日報

新華日報

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 151

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The District Municipality of Muskoka Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Received of the Treasurer of the University of California

The sum of \$100.00 for the purchase of books

for the use of the Library of the University of California

BILL 151

1976

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 27 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor:

s. 27 (2) (a),
re-enacted

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge, and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

2. Section 66 of the said Act is repealed.

s. 66,
repealed

3. Subsections 1 and 3 of section 103 of the said Act are repealed and the following substituted therefor:

s. 103 (1, 3),
re-enacted

- (1) The District Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the District Council.

Expenditure
of reserve
fund moneys

s. 111 (23),
re-enacted

4. Subsection 23 of section 111 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 10, is repealed and the following substituted therefor:

Alternate
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the District Corporation, such remuneration as the District Council determines.

s. 112 (1),
re-enacted

5. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284,
s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the District Council.

s. 130 (1),
re-enacted

6. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 55, section 12, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-
ment

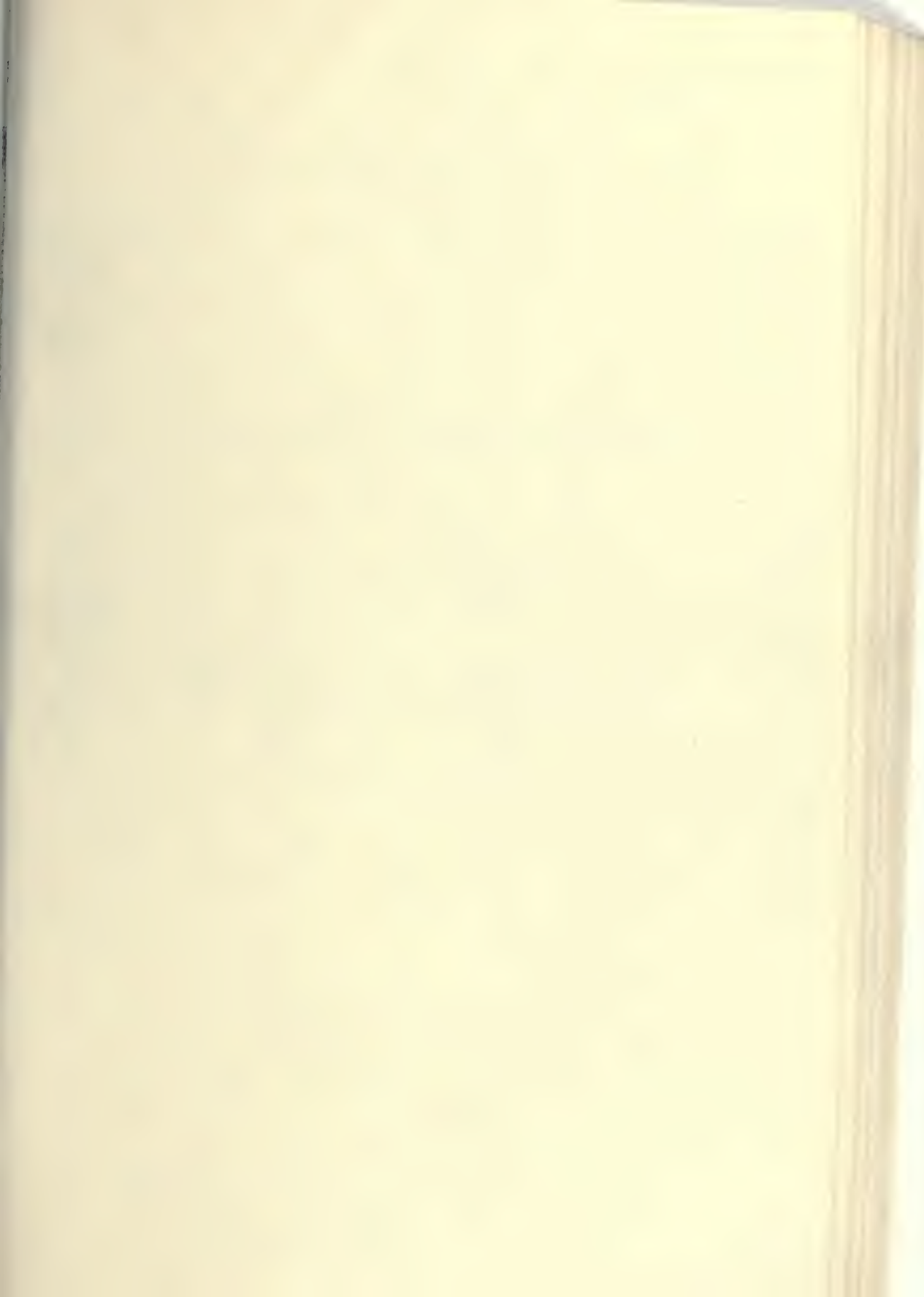
- 7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

8. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1976*.



1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science.

2. The second part of the paper is devoted to a detailed discussion of the various theories of the origin of life. It is shown that the most plausible theory is the one which assumes that life originated from non-living matter through a series of chemical reactions.

3. The third part of the paper is devoted to a discussion of the evidence in favor of the various theories of the origin of life. It is shown that the evidence is in favor of the theory which assumes that life originated from non-living matter.

4. The fourth part of the paper is devoted to a discussion of the various problems which are connected with the origin of life. It is shown that the most important problems are the problem of the origin of the first living organisms and the problem of the origin of the first cells.

5. The fifth part of the paper is devoted to a discussion of the various methods which have been used to study the origin of life. It is shown that the most important methods are the study of the fossil record and the study of the chemical evolution of life.

6. The sixth part of the paper is devoted to a discussion of the various conclusions which have been reached by the various scientists who have studied the origin of life. It is shown that the most important conclusion is that life originated from non-living matter through a series of chemical reactions.

7. The seventh part of the paper is devoted to a discussion of the various problems which are still open in the study of the origin of life. It is shown that the most important problems are the problem of the origin of the first living organisms and the problem of the origin of the first cells.

8. The eighth part of the paper is devoted to a discussion of the various methods which have been used to study the origin of life. It is shown that the most important methods are the study of the fossil record and the study of the chemical evolution of life.

9. The ninth part of the paper is devoted to a discussion of the various conclusions which have been reached by the various scientists who have studied the origin of life. It is shown that the most important conclusion is that life originated from non-living matter through a series of chemical reactions.

10. The tenth part of the paper is devoted to a discussion of the various problems which are still open in the study of the origin of life. It is shown that the most important problems are the problem of the origin of the first living organisms and the problem of the origin of the first cells.

1844

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An Act to amend
The District Municipality of
Muskoka Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 35a (1) as proposed to be re-enacted is set out below and shown underlined are the words to be added.

- (1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, and shall be deemed to be a user charge and no property shall be exempt from such charge, by reason only that it is exempt from taxation under section 3 of The Assessment Act.

The intent of the amendment is to make it clear that properties exempt under *The Assessment Act* are liable for the payment of the surcharge on the water rates.

SECTION 2. The effect of the re-enactment is to remove the requirement that by-laws of the Metropolitan Council prescribing speed limits on metropolitan roads be approved by the Ministry of Transportation and Communications. Section 82 presently reads as follows:

- 82.—(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 1 of section 82 of The Highway Traffic Act, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour.
- (2) No by-law passed under subsection 1 shall become effective until approved by the Ministry and the metropolitan roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under The Highway Traffic Act.

SECTION 3. Section 113 presently reads as follows:

113. The Metropolitan Council may make an annual grant of not more than \$169,000 to the Toronto Transit Commission toward the cost of providing free transportation for blind persons and war amputees.

The general granting powers contained in section 248a of *The Municipal Act* are now available to the Metropolitan Corporation and section 113 is therefore repealed as redundant.

SECTION 4. Section 216 presently reads as follows:

BILL 152

1976

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5, is repealed and the following substituted therefor:

s. 35a (1),
re-enacted

(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, and such surcharge shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

Surcharge
on water
rates

R.S.O. 1970.
c. 32

2. Subsection 2 of section 82 of the said Act is repealed and the following substituted therefor:

s. 82 (2),
re-enacted

(2) The metropolitan roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads

R.S.O. 1970.
c. 202

3. Section 113 of the said Act is repealed.

s. 113,
repealed

- 4.—(1) Subsection 1 of section 216 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 89, section 6, is repealed and the following substituted therefor:

s. 216 (1),
re-enacted

Reserve
funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 216 (3),
re-enacted

(2) Subsection 3 of the said section 216 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Metropolitan Council.

s. 223 (23),
re-enacted

5. Subsection 23 of section 223 of the said Act is repealed and the following substituted therefor:

Alternate
members

(23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Metropolitan Corporation, such remuneration as the Metropolitan Council determines.

s. 224 (1),
re-enacted

6. Subsection 1 of section 224 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284,
s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Metropolitan Council.

s. 241 (1),
re-enacted

7. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 18, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a and 249, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24, 29 and 42 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1976*.

216.—(1) *The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board or the Library Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.*

(2) *The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.*

(3) *The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.*

(4) *The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.*

The re-enactment removes the requirement that the establishment of a reserve fund requires a two-thirds vote of the members present and that the moneys raised for the fund are not to be expended for any purpose other than that for which the fund was established except with the approval of the Ministry. In both cases a simple majority vote will now suffice.

SECTION 5. Section 223 (23) presently reads as follows:

(23) *The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.*

The effect of the re-enactment is to permit the payment of remuneration to alternate members of the sinking fund committee.

SECTION 6. Section 224 (1) presently reads as follows:

224.—(1) *If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Metropolitan Council to pass a by-law to amend such by-law so as to provide for,*

- (a) *a different rate of interest;*
- (b) *a change in the amount to be raised annually and, if necessary, in the special levies;*
- (c) *such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
- (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*

- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the Metropolitan Council the provisions of section 296 (1) of *The Municipal Act* (amended as proposed by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*). The result will be that the Metropolitan Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

SECTION 7. The effect of the re-enactment is to make applicable to the Metropolitan Corporation two further sections of *The Municipal Act*, viz. 242a and 333.

These two sections are set out below:

- 242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*
- (2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*
- (a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*
- (b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 152

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipality of Metropolitan Toronto Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

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BILL 152

1976

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5, is repealed and the following substituted therefor:

s. 35a (1),
re-enacted

(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, and such surcharge shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

Surcharge
on water
rates

2. Subsection 2 of section 82 of the said Act is repealed and the following substituted therefor:

s. 82 (2),
re-enacted

(2) The metropolitan roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads
R.S.O. 1970,
c. 202

3. Section 113 of the said Act is repealed.

s. 113,
repealed

- 4.—(1) Subsection 1 of section 216 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 89, section 6, is repealed and the following substituted therefor:

s. 216 (1),
re-enacted

Reserve funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 216 (3), re-enacted

(2) Subsection 3 of the said section 216 is repealed and the following substituted therefor:

Expenditure of reserve fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Metropolitan Council.

s. 223 (23), re-enacted

5. Subsection 23 of section 223 of the said Act is repealed and the following substituted therefor:

Alternate members

(23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Metropolitan Corporation, such remuneration as the Metropolitan Council determines.

s. 224 (1), re-enacted

6. Subsection 1 of section 224 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Metropolitan Council.

s. 241 (1), re-enacted

7. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 18, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a and 249, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24, 29 and 42 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

Commencement

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1976*.

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The County of Oxford Act, 1974**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Upon the application of the council of an area municipality, the Municipal Board is empowered to divide the area municipality into wards, to alter or dissolve an existing ward system and to provide for the composition of the council of the area municipality; nothing however in any order of the Board is to alter the number of representatives of the area municipality on the County Council.

BILL 153

1976

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County of Oxford Act, 1974*, being chapter 57, ^{s. 3, amended} is amended by adding thereto the following subsection:

(4a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, ^{Amalgamation of wards, etc., by O.M.B.} ^{R.S.O. 1970, c. 284}

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a

member of the County Council, as provided for in this Act.

s. 13 (3),
amended

2. Subsection 3 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

3. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor, but this provision shall not apply in the year 1975" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 41 (1),
amended

- 4.—(1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 41,
amended

- (2) The said section 41 is amended by adding thereto the following subsections:

County
Council
may approve
by-law in
whole or
in part

- (1a) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

Withdrawal
of approval

- (1b) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 52,
repealed

5. Section 52 of the said Act is repealed.

s. 91a,
enacted

6. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

- 91a.—(1) Where the County has entered into an agreement under *The Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

- (2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the

SECTION 2. The effect of the amendment is to enlarge from thirty to sixty days the period of time within which the council of the appropriate area municipality must appoint a successor in the event of a vacancy occurring on the County Council. The subsection presently reads as follows:

- (3) *When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.*

SECTION 3. The effect of the amendment is to permit a person to act as auditor of the County despite having rendered any professional services in the preceding year to the County, an area municipality or a local board thereof. The subsection presently reads as follows:

- (3) *No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975.*

SECTION 4. Approval under *The Highway Traffic Act* is now no longer required to local municipality traffic by-laws and the amendment deletes the references to such approval; the new subsections added permit the County Council to approve such traffic by-laws in part only and to withdraw any approval previously given. Similar powers were formerly exercised under *The Highway Traffic Act*. The subsection presently reads as follows:

- (1) *No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*.*

SECTION 5. Section 52 presently reads as follows:

52. *The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.*

Its repeal will remove the mandatory requirement that the County Council appoint a civil engineer to administer and manage the county road system.

SECTION 6. The section added permits the County Council, in cases where the County has entered into an agreement under *The Ontario Water Resources Act*, whereunder moneys will be received by the County from the Crown, to arrange temporary financing pending the receipt of the moneys; the power is analogous to that which is conferred on the County Council pending the issue and sale of debentures that have been approved by the Municipal Board.

SECTION 7. The amendments relate to debentures and provide for the following:

1. The present requirement that all debentures authorized by the same by-law of the County Council be issued at the same time is deleted.
2. Alternate members of the sinking fund committee may be paid for their services.
3. The investment powers of the County in respect of sinking fund moneys is expanded. Such moneys will be able to be invested in United States of America securities and such other types of securities as the Lieutenant Governor in Council authorizes. Presently, investments of such moneys are limited to the following,
 - (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the County;
 - (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
 - (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

SECTION 8. The effect of the added section is to confer on the County the same power as is conferred on local municipalities under section 289 of *The Municipal Act* to issue debentures all or a portion of which may be made payable on a fixed date, subject to the obligation of the County to redeem annually, by lot, a certain specified principal amount of the debentures.

County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

7.—(1) Subsection 11 of section 95 of the said Act is amended by striking out "at one time and" in the first line. s. 95 (11),
amended

(2) Subsection 25 of the said section 95 is repealed and the following substituted therefor: s. 95 (25),
re-enacted

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines. Alternate
members

(3) Subsection 32 of the said section 95 is amended by adding thereto the following clauses: s. 95 (32),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(4) Subsection 46 of the said section 95 is amended by striking out "25 to 41" in the fourth and fifth lines and inserting in lieu thereof "23 to 43". s. 95 (46),
amended

(5) The said section 95 is amended by adding thereto the following subsection: s. 95,
amended

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures. All
debentures
rank
equally

8. The said Act is further amended by adding thereto the following section: s. 95a,
enacted

95a. Notwithstanding any other provision of this Act,

(a) a money by-law of the County Council may provide that all or a portion of the debentures to Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice
to redeem
to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

2. The second part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

3. The third part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

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7. The seventh part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

8. The eighth part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

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10. The tenth part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

11. The eleventh part of the paper is devoted to a detailed discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science.

SECTION 9. Subsection 1 of section 96 presently reads as follows:

(1) *If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,*

- (a) *a different rate of interest;*
- (b) *a change in the amount to be raised annually and, if necessary, in the special levies;*
- (c) *such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
- (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*
- (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the County Council the provisions of section 296 (1) of *The Municipal Act* (amended as proposed by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*). The result will be that the County Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

SECTION 10. The provision added that permits the Debenture Registry Book to be maintained outside Canada in the circumstances mentioned is one that is now applicable to local municipalities under section 326 of *The Municipal Act*.

SECTION 11. The effect of the re-enactment is to make applicable to the County two further sections of *The Municipal Act*, viz., 242a and 333. These two sections are set out below:

242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*

(2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*

- (a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*

- (g) the aggregate amounts of principal and interest, annual amounts payable to be or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

9. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1), re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the County Council. Application of R.S.O. 1970, c. 284, s. 296 (1)

10. Section 103 of the said Act is amended by adding thereto the following subsection: s. 103, amended

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate. Where debenture Registry Book may be maintained outside Canada

11. Subsection 1 of section 114 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 3, is repealed and the following substituted therefor: s. 114 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

12. Subsection 1 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (1), re-enacted

(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre. Expenditures for diffusing information

13. Section 117 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 4, is repealed. s. 117, repealed

14. This Act comes into force on the day it receives Royal Assent. Commencement

15. This Act may be cited as *The County of Oxford Amendment Act, 1976*. Short title

- (b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

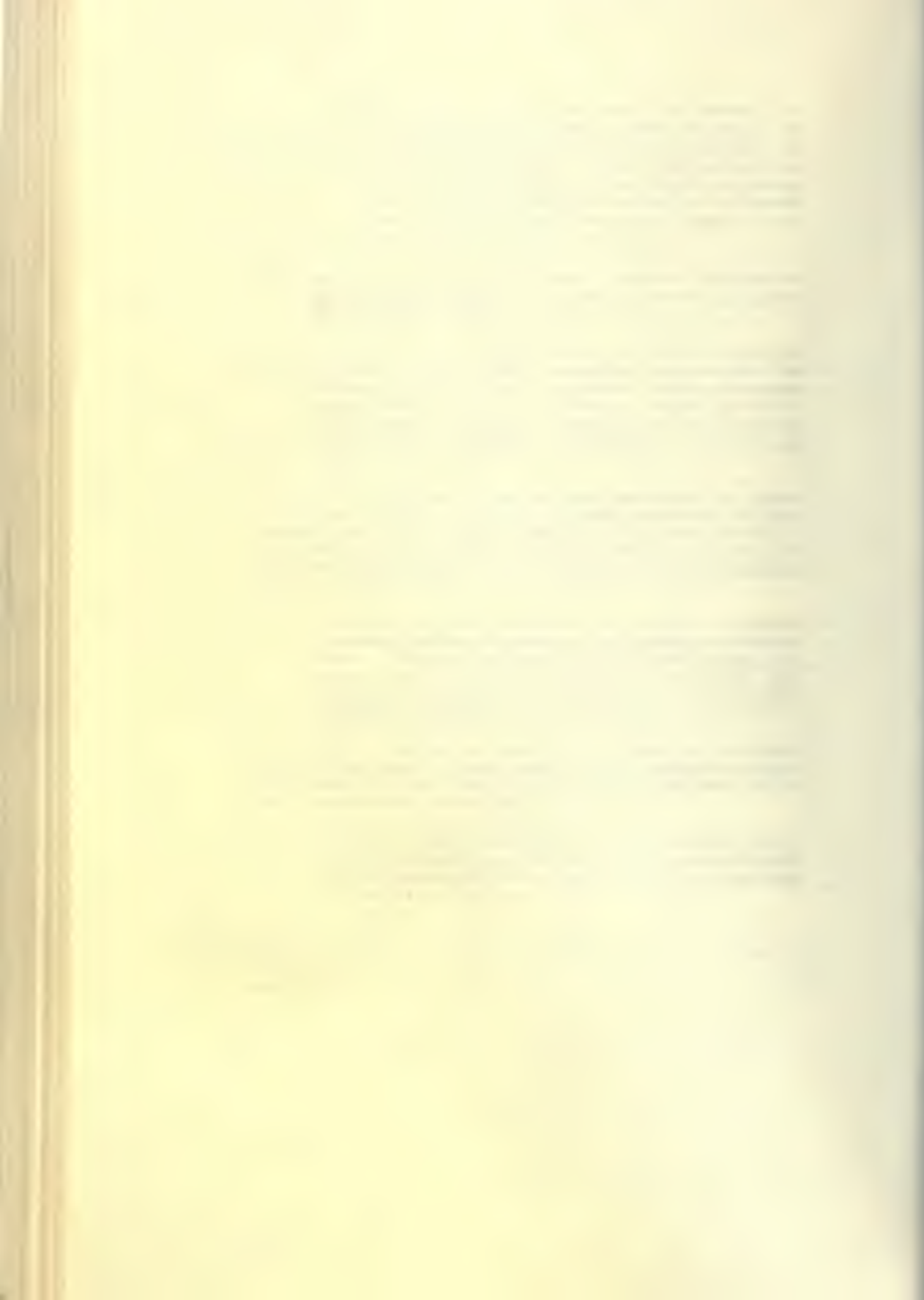
SECTION 12. The specific authority now possessed by the County to make annual grants for the purpose of diffusing information is no longer required in the light of the broad general granting power contained in section 248a of *The Municipal Act*, now applicable to the County. Sub-section 1 of section 116 as it presently reads is set out below, showing underlined the words to be deleted.

- (1) *The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.*

SECTION 13. The specific authority now possessed by the County Council to make grants to persons engaged in works deemed advantageous to the County is no longer required in the light of the broad general granting power. The section to be repealed reads as follows:

117. *The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County.*







BILL 153

An Act to amend
The County of Oxford Act, 1974

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The County of Oxford Act, 1974**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Upon the application of the council of an area municipality, the Municipal Board is empowered to divide the area municipality into wards, to alter or dissolve an existing ward system and to provide for the composition of the council of the area municipality; nothing however in any order of the Board is to alter the number of representatives of the area municipality on the County Council.

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County of Oxford Act, 1974*, being chapter 57, s. 3,
amended
is amended by adding thereto the following subsection:

(4a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, Amalgama-
tion of
wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the County Council, as provided for in this Act.

s. 13 (3),
amended

2. Subsection 3 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

3. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor, but this provision shall not apply in the year 1975" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 41 (1),
amended

- 4.—(1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 41,
amended

- (2) The said section 41 is amended by adding thereto the following subsections:

County
Council
may approve
by-law in
whole or
in part

- (1a) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

Withdrawal
of approval

- (1b) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 52,
re-enacted

5. Section 52 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 43 (1),
not to apply

52. Subsection 1 of section 43 of *The Public Transportation and Highway Improvement Act* does not apply to the County.

s. 91a,
enacted

6. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

- 91a.—(1) Where the County has entered into an agreement under *The Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

- (2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the

SECTION 2. The effect of the amendment is to enlarge from thirty to sixty days the period of time within which the council of the appropriate area municipality must appoint a successor in the event of a vacancy occurring on the County Council. The subsection presently reads as follows:

- (3) *When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.*

SECTION 3. The effect of the amendment is to permit a person to act as auditor of the County despite having rendered any professional services in the preceding year to the County, an area municipality or a local board thereof. The subsection presently reads as follows:

- (3) *No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975.*

SECTION 4. Approval under *The Highway Traffic Act* is now no longer required to local municipality traffic by-laws and the amendment deletes the references to such approval; the new subsections added permit the County Council to approve such traffic by-laws in part only and to withdraw any approval previously given. Similar powers were formerly exercised under *The Highway Traffic Act*. The subsection presently reads as follows:

- (1) *No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*.*

SECTION 5. Section 52 presently reads as follows:

52. *The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.*

Its repeal will remove the mandatory requirement that the County Council appoint a civil engineer to administer and manage the county road system; section 52 as re-enacted makes inapplicable to the County the provision in *The Public Transportation and Highway Improvement Act* that requires a county council to appoint a civil engineer to administer and manage the county road system.

SECTION 6. The section added permits the County Council, in cases where the County has entered into an agreement under *The Ontario Water Resources Act*, whereunder moneys will be received by the County from the Crown, to arrange temporary financing pending the receipt of the moneys; the power is analogous to that which is conferred on the County Council pending the issue and sale of debentures that have been approved by the Municipal Board.

SECTION 7. The amendments relate to debentures and provide for the following:

1. The present requirement that all debentures authorized by the same by-law of the County Council be issued at the same time is deleted.
2. Alternate members of the sinking fund committee may be paid for their services.
3. The investment powers of the County in respect of sinking fund moneys is expanded. Such moneys will be able to be invested in United States of America securities and such other types of securities as the Lieutenant Governor in Council authorizes. Presently, investments of such moneys are limited to the following,
 - (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the County;
 - (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
 - (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

SECTION 8. The effect of the added section is to confer on the County the same power as is conferred on local municipalities under section 289 of *The Municipal Act* to issue debentures all or a portion of which may be made payable on a fixed date, subject to the obligation of the County to redeem annually, by lot, a certain specified principal amount of the debentures.

County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

7.—(1) Subsection 11 of section 95 of the said Act is amended by striking out "at one time and" in the first line. s. 95 (11),
amended

(2) Subsection 25 of the said section 95 is repealed and the following substituted therefor: s. 95 (25),
re-enacted

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines. Alternate
members

(3) Subsection 32 of the said section 95 is amended by adding thereto the following clauses: s. 95 (32),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(4) Subsection 46 of the said section 95 is amended by striking out "25 to 41" in the fourth and fifth lines and inserting in lieu thereof "23 to 43". s. 95 (46),
amended

(5) The said section 95 is amended by adding thereto the following subsection: s. 95,
amended

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures. All
debentures
rank
equally

8. The said Act is further amended by adding thereto the following section: s. 95a,
enacted

95a. Notwithstanding any other provision of this Act,

(a) a money by-law of the County Council may provide that all or a portion of the debentures to Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice
to redeem
to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

La prima parte del presente lavoro
è dedicata a una introduzione generale
alla storia della lingua italiana
e alla sua evoluzione nel tempo.

La seconda parte è dedicata a una
analisi dettagliata della lingua
italiana nel periodo del Rinascimento.

LA LINGUA ITALIANA NEL RINASCIMENTO

In questa parte si analizza la lingua
italiana nel periodo del Rinascimento,
con particolare riferimento alla lingua
letteraria e alla lingua volgare.

La terza parte è dedicata a una
analisi della lingua italiana nel
periodo dell'Umanesimo e del
Rinascimento.

LA LINGUA ITALIANA NELL'UMANESIMO E NEL RINASCIMENTO

In questa parte si analizza la lingua
italiana nel periodo dell'Umanesimo
e del Rinascimento, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

La quarta parte è dedicata a una
analisi della lingua italiana nel
periodo del Barocco e dell'Illuminismo.

LA LINGUA ITALIANA NEL BAROCCO E NELL'ILLUMINISMO

In questa parte si analizza la lingua
italiana nel periodo del Barocco
e dell'Illuminismo, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

La quinta parte è dedicata a una
analisi della lingua italiana nel
periodo del Romanticismo e del
Risorgimento.

LA LINGUA ITALIANA NEL ROMANTICISMO E NEL RISORGIMENTO

In questa parte si analizza la lingua
italiana nel periodo del Romanticismo
e del Risorgimento, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

La sesta parte è dedicata a una
analisi della lingua italiana nel
periodo dell'Ottocento e del
Novecento.

LA LINGUA ITALIANA NELL'OTTOCENTO E NEL NOVECENTO

In questa parte si analizza la lingua
italiana nel periodo dell'Ottocento
e del Novecento, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

La settima parte è dedicata a una
analisi della lingua italiana nel
periodo del Fascismo e della
Seconda Guerra Mondiale.

LA LINGUA ITALIANA NEL FASCISMO E NELLA SECONDA GUERRA MONDIALE

In questa parte si analizza la lingua
italiana nel periodo del Fascismo
e della Seconda Guerra Mondiale,
con particolare riferimento alla
lingua letteraria e alla lingua
volgare.

La第八 parte è dedicata a una
analisi della lingua italiana nel
periodo del dopoguerra e della
Repubblica.

LA LINGUA ITALIANA NEL DOPOGUERRA E NELLA REPUBBLICA

In questa parte si analizza la lingua
italiana nel periodo del dopoguerra
e della Repubblica, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

La nona parte è dedicata a una
analisi della lingua italiana nel
periodo della Terza Repubblica.

LA LINGUA ITALIANA NELLA TERZA REPUBBLICA

In questa parte si analizza la lingua
italiana nel periodo della Terza
Repubblica, con particolare
riferimento alla lingua letteraria
e alla lingua volgare.

SECTION 9. Subsection 1 of section 96 presently reads as follows:

- (1) *If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,*
- (a) *a different rate of interest;*
 - (b) *a change in the amount to be raised annually and, if necessary, in the special levies;*
 - (c) *such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;*
 - (d) *the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and*
 - (e) *the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.*

The effect of the re-enactment is to make applicable instead to the County Council the provisions of section 296 (1) of *The Municipal Act* (amended as proposed by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*). The result will be that the County Council need not apply to the Municipal Board but may exercise the powers now set out in the subsection if the Council is of the opinion current interest rates warrant that action.

SECTION 10. The provision added that permits the Debenture Registry Book to be maintained outside Canada in the circumstances mentioned is one that is now applicable to local municipalities under section 326 of *The Municipal Act*.

SECTION 11. The effect of the re-enactment is to make applicable to the County two further sections of *The Municipal Act*, viz., 242a and 333. These two sections are set out below:

- 242a.—(1) *The council of any municipality may, instead of passing separate by-laws in the exercise of any of its powers to act by by-law, pass a comprehensive general by-law (to be known as "The [name of municipality] Municipal Code") dealing with all such matters within its jurisdiction as the council considers desirable to include therein.*
- (2) *Where a Municipal Code passed under subsection 1 consolidates and includes within it the provisions of any by-law previously passed by the council,*
- (a) *the provisions in the Municipal Code shall be deemed to have come into force on the day the original by-law came into force; and*

- (g) the aggregate amounts of principal and interest, annual amounts payable to be approximately equal
 or the amounts of principal, payable in each year
 during the currency of debentures issued under this
 section shall be approximately equal.

9. Subsection 1 of section 96 of the said Act is repealed and s. 96 (1), re-enacted
 the following substituted therefor:

(1) Subsection 1 of section 296 of *The Municipal Act* Application of R.S.O. 1970, c. 284, s. 296 (1)
 applies *mutatis mutandis* to the County Council.

10. Section 103 of the said Act is amended by adding thereto the s. 103, amended
 following subsection:

(5) Where debentures are payable in a currency other Where debenture Registry Book may be maintained outside Canada
 than that of Canada, the County Council may provide that
 the Debenture Registry Book of the County in respect of
 such debentures be maintained outside Canada by a cor-
 poration or person other than the treasurer and may make
 such other provisions for the registration and transfer of
 such debentures as the County Council considers appropriate.

11. Subsection 1 of section 114 of the said Act, as amended by s. 114 (1), re-enacted
 the Statutes of Ontario, 1974, chapter 118, section 3, is
 repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, Application of R.S.O. 1970, c. 284
 subsections 1, 4 and 5 of section 237, sections 238, 239,
 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs
 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352
 and Parts XV, XVI, XVII and XXI of *The Municipal Act*
 apply *mutatis mutandis* to the County.

12. Subsection 1 of section 116 of the said Act is repealed and s. 116 (1), re-enacted
 the following substituted therefor:

(1) The County may make expenditures for the purpose Expenditures for diffusing information
 of diffusing information respecting the advantages of the
 County as an industrial, business, educational, residential
 or vacation centre.

13. Section 117 of the said Act, as amended by the Statutes of s. 117, repealed
 Ontario, 1974, chapter 118, section 4, is repealed.

14. This Act comes into force on the day it receives Royal Assent. Commence-ment

15. This Act may be cited as *The County of Oxford Amendment Act, 1976*. Short title

- (b) *any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained to the corresponding provision in the Municipal Code in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the Municipal Code.*

(NOTE: Section 242a is a new section proposed to be added to *The Municipal Act* by the Bill presently before the House entitled *An Act to amend The Municipal Act, 1976*).

333. *Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.*

SECTION 12. The specific authority now possessed by the County to make annual grants for the purpose of diffusing information is no longer required in the light of the broad general granting power contained in section 248a of *The Municipal Act*, now applicable to the County. Sub-section 1 of section 116 as it presently reads is set out below, showing underlined the words to be deleted.

- (1) *The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.*

SECTION 13. The specific authority now possessed by the County Council to make grants to persons engaged in works deemed advantageous to the County is no longer required in the light of the broad general granting power. The section to be repealed reads as follows:

117. *The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County.*





Received of the Treasurer of the
 Board of Education

the sum of \$100.00
 for the year ending June 30, 1880

1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890
100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

An Act to amend
The County of Oxford Act, 1974

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 153

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The County of Oxford Act, 1974

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 153 **1976**

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County of Oxford Act, 1974*, being chapter 57, is amended by adding thereto the following subsection: s. 3,
amended

(4a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, Amalgama-
tion of
wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the County Council, as provided for in this Act.

s. 13 (3),
amended

2. Subsection 3 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

3. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor, but this provision shall not apply in the year 1975" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 41 (1),
amended

- 4.—(1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 41,
amended

- (2) The said section 41 is amended by adding thereto the following subsections:

County
Council
may approve
by-law in
whole or
in part

- (1a) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

Withdrawal
of approval

- (1b) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 52,
re-enacted

5. Section 52 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 43 (1),
not to apply

52. Subsection 1 of section 43 of *The Public Transportation and Highway Improvement Act* does not apply to the County.

s. 91a,
enacted

6. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

- 91a.—(1) Where the County has entered into an agreement under *The Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

- (2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the

County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

7.—(1) Subsection 11 of section 95 of the said Act is amended s. 95 (11),
amended by striking out "at one time and" in the first line.

(2) Subsection 25 of the said section 95 is repealed and s. 95 (25),
re-enacted the following substituted therefor:

(25) The County Council may appoint an alternate member Alternate
members for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines.

(3) Subsection 32 of the said section 95 is amended by s. 95 (32),
amended adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(4) Subsection 46 of the said section 95 is amended by s. 95 (46),
amended striking out "25 to 41" in the fourth and fifth lines and inserting in lieu thereof "23 to 43".

(5) The said section 95 is amended by adding thereto the s. 95,
amended following subsection:

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures. All
debentures
rank
equally

8. The said Act is further amended by adding thereto the s. 95a,
enacted following section:

95a. Notwithstanding any other provision of this Act,

(a) a money by-law of the County Council may provide that all or a portion of the debentures to Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice
to redeem
to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

9. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1), re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the County Council. Application of R.S.O. 1970, c. 284, s. 296 (1)

10. Section 103 of the said Act is amended by adding thereto the following subsection: s. 103, amended

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate. Where debenture Registry Book may be maintained outside Canada

11. Subsection 1 of section 114 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 3, is repealed and the following substituted therefor: s. 114 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

12. Subsection 1 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (1), re-enacted

(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre. Expenditures for diffusing information

13. Section 117 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 4, is repealed. s. 117, repealed

14. This Act comes into force on the day it receives Royal Assent. Commencement

15. This Act may be cited as *The County of Oxford Amendment Act, 1976*. Short title

An Act to amend
The County of Oxford Act, 1974

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting The Municipality of Shuniah

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Section 3a now reads as follows:

3a. The said municipality shall continue to be and shall be known as "The Municipality of Shuniah" and the inhabitants thereof are a body corporate under the name of "The Corporation of the Municipality of Shuniah".

The re-enactment clarifies the status of Shuniah as a township municipality.

SECTION 2. Section 9 now reads as follows:

9. When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

The repeal of the section will remove the necessity of preparing separate estimates and rates for each of the two wards of the municipality and will place it on the same footing as other municipalities in the Province.

An Act respecting The Municipality of Shuniah

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3a of *The Municipality of Shuniah Act, 1936*, being s. 3a.
re-enacted chapter 83, as enacted by the Statutes of Ontario, 1960, chapter 167, section 1, is repealed and the following substituted therefor:

3a. The said municipality is continued as a township municipality and the inhabitants thereof are a body corporate under the name "The Corporation of the Township of Shuniah". Municipality continued as township under the name The Corporation of the Township of Shuniah
2. Section 9 of the said Act, as amended by the Statutes of Ontario, 1955, chapter 114, section 1, is repealed. s. 9.
repealed
3. A reference in any Act or regulation to The Municipality of Shuniah or The Corporation of the Municipality of Shuniah shall be deemed to be a reference to The Corporation of the Township of Shuniah. References to name of municipality in Acts or regulations
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Municipality of Shuniah Amendment Act, 1976*. Short title

An Act respecting
The Municipality of Shuniah

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 154

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting The Municipality of Shuniah

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act respecting The Municipality of Shuniah

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3a of *The Municipality of Shuniah Act, 1936*, being chapter 83, as enacted by the Statutes of Ontario, 1960, chapter 167, section 1, is repealed and the following substituted therefor:

3a. The said municipality is continued as a township municipality and the inhabitants thereof are a body corporate under the name "The Corporation of the Township of Shuniah".

s. 3a,
re-enacted

Municipality continued as township under the name The Corporation of the Township of Shuniah
2. Section 9 of the said Act, as amended by the Statutes of Ontario, 1955, chapter 114, section 1, is repealed.

s. 9,
repealed
3. A reference in any Act or regulation to The Municipality of Shuniah or The Corporation of the Municipality of Shuniah shall be deemed to be a reference to The Corporation of the Township of Shuniah.

References to name of municipality in Acts or regulations
4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
5. This Act may be cited as *The Municipality of Shuniah Amendment Act, 1976*.

Short title

An Act respecting
The Municipality of Shumiah

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Insurance Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

Subsections 1, 2 and 3 of section 218 of the Act are re-enacted with the following changes only:

1. In section 218 (1), the limit is increased to \$100,000 from \$50,000.
2. In section 218 (2) (a), the limit is increased to \$95,000 from \$45,000.
3. In section 218 (3), the minimum limits for both bodily injury and property damage are increased to \$100,000 from \$50,000.

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 218 of *The Insurance Act*, ^{s. 218 (1-3), re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. ^{Minimum liability under policy}

(2) The contract shall be interpreted to mean that where, ^{Priorities} by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$95,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$5,000 over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$100,000, exclusive of interest and costs, against liability for loss of or damage to property. ^{Minimum limits where separate limits designated}

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Insurance Amendment Act, 1976*.





An Act to amend
The Insurance Act

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 155

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Insurance Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 218 of *The Insurance Act*, ^{s. 218 (1-3), re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(1) Every contract evidenced by a motor vehicle liability ^{Minimum liability under policy} policy insures, in respect of any one accident, to the limit of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

(2) The contract shall be interpreted to mean that where, ^{Priorities} by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$95,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$5,000 over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the ^{Minimum limits where separate limits designated} policy for an inclusive amount, specify a limit of liability of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$100,000, exclusive of interest and costs, against liability for loss of or damage to property.

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Insurance Amendment Act, 1976*.





An Act to amend
The Insurance Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Motor Vehicle Accident Claims Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The new section 22 (1) of the Act provides that payments out of the Fund in respect of damages for injury or death caused by an uninsured motor vehicle after the 1st day of January, 1977 may be made up to an amount of \$100,000. This increases the present maximum payment of \$50,000.

The new section 22 (1a) of the Act is a re-enactment of the former section 22 (1) with the words "and before the 1st day of January, 1977" inserted after "the 1st day of September, 1969". The effect is to leave unchanged the present maximum payment in respect of an accident occurring prior to the 1st day of January, 1977.

BILL 156

1976

An Act to amend The Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 22 (1),
re-enacted

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

Limits
payable
from
Fund

(1a) In respect of any application under section 5 or 6 ^{Idem} for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that

any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

s. 22(5)(a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 22 is repealed and the following substituted therefor:

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, more than \$100,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or
- (aa) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, more than \$50,000, exclusive of costs for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1976*.

Subsection 2. Section 22 (5) of the Act sets out various limits to payments out of the Fund in respect of judgments against the Superintendent where motor vehicle accidents occurred within certain specified periods. The lead-in to subsection 5 reads as follows:

- (5) *Subject to subsection 6, the Minister shall not pay out of the Fund in respect of judgments against the Superintendent for damages,*

The new clause *a* permits payments out of the Fund up to a maximum of \$100,000 where there is a judgment against the Superintendent in respect of a motor vehicle accident occurring after the 1st day of January, 1977. The present maximum is \$50,000.

The new clause *aa* is a re-enactment of the former clause *a* with the words "and before the 1st day of January, 1977" inserted after "the 1st day of September, 1969". The effect is to leave unchanged the present maximum payment in respect of an accident occurring prior to the 1st day of January, 1977.

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An Act to amend
The Motor Vehicle Accident Claims Act

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 156

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Motor Vehicle Accident Claims Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 156

1976

An Act to amend The Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 22 (1),
re-enacted

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

Limits
payable
from
Fund

(1a) In respect of any application under section 5 or 6 ^{idem} for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that

any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

s. 22 (5) (a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 22 is repealed and the following substituted therefor:

(a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, more than \$100,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

(aa) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, more than \$50,000, exclusive of costs for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

.

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1976*.



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THE UNIVERSITY OF CHICAGO

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An Act to amend
The Motor Vehicle Accident Claims Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 157

Private Member's Bill

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend The Regional Municipality of
Hamilton-Wentworth Act, 1973**

MR. CUNNINGHAM

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Subsection 3 of section 135 of the Act at present reads as follows:

- (3) *The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including ex officio members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.*

This Bill provides for the election of members of the commission.

BILL 157

1976

An Act to amend The Regional Municipality of Hamilton-Wentworth Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 135 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor: s. 135 (3),
re-enacted

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date for election has been determined by the Minister, no later than January 31, 1977 and thereafter to coincide with municipal elections, and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission. Members of
commission
continue
in office

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1976*. Short title

**An Act to amend The Regional
Municipality of Hamilton-Wentworth
Act, 1973**

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

MR. CUNNINGHAM

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for Uniform
Time in the Province of Ontario**

MR. CASSIDY

EXPLANATORY NOTE

This Bill provides for year-round daylight saving time in Ontario in order to conserve energy and to provide more usable hours of daylight in winter for the use and recreation of children and of adults.

BILL 158

1976

An Act to provide for Uniform Time in the Province of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Eastern daylight saving time" means time which is four hours behind Greenwich time;
- (b) "Eastern standard time" means time which is five hours behind Greenwich time.

2. Subject to section 3, the time used in the Province of Ontario from the first day of January to the thirty-first day of December in each year shall be Eastern daylight saving time.

Daylight
saving time

3. The Lieutenant Governor in Council may make regulations staying the application of this Act within a municipality when the municipality, by resolution of its council, requests the use of Eastern standard time for all or part of the year.

Regulations

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Uniform Time Act, 1976*.

Short title

BILL 158

**An Act to provide for Uniform
Time in the Province of Ontario**

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the Advertising and
Selling of Perishable Staples**

MR. GROSSMAN

EXPLANATORY NOTE

This Bill prohibits the advertising or selling of perishable staples as loss leaders at below cost prices.

An Act respecting the Advertising and Selling of Perishable Staples

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Consumer and Commercial Relations;
- (b) "perishable staple" includes bread, rolls and other bakery items;
- (c) "prescribe" means prescribe by regulation;
- (d) "regulation" means a regulation made under this Act.

2. The Minister may prescribe a minimum price for perishable staples taking into account the average production cost evidencing satisfactory productivity.

Authority of
Minister to
prescribe
minimum
price for
perishable
staples

3. No person shall sell perishable staples at a price less than that prescribed.

Limitation
re selling
perishable
staples

4. No person shall mention in any advertisement the price of a perishable staple other than on its package or on the display counter used for its sale.

Limitation
re adver-
tising
perishable
staples

5. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies and specified in the Minister's order, and the person appointed shall report the result of his investigation to the Minister, and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investi-
gation on
order of
Minister

1971, c. 49

Obstruction of
investigator

6. No person shall obstruct a person appointed to make an investigation under section 5 or withhold from him or conceal or destroy any books, price tags or other things relevant to the subject-matter of the investigation.

Matters
confidential

7. Every person employed in the administration of this Act, including any person making an investigation under section 5, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Offences

8. Every person who knowingly contravenes any provision of this Act or the regulations and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

9. Where a corporation is convicted of an offence under section 8, the maximum penalty that may be imposed upon the corporation is \$10,000, and not as provided therein.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Advertising and Selling of Perishable Staples Act, 1976*.





ASTOR LENOX TILDEN FOUNDATION

1888

1888

An Act respecting the Advertising and
Selling of Perishable Staples

1st Reading

October 28th, 1976

2nd Reading

3rd Reading

MR. GROSSMAN

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to establish the Ontario Waste Disposal
and Reclamation Commission**

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission, to have authority in matters concerning disposal, reclamation and recycling of liquid, solid and gaseous wastes, with particular reference to possible development of energy from these sources.

BILL 160

1976

An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;

(b) "Minister" means the Minister of the Environment.

2.—(1) A Commission to be known as the "Ontario Waste Disposal and Reclamation Commission" is hereby established.

Commission
established

(2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council.

Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Commission.

Chairman

4. Five members of the Commission constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission.

Vacancies

6.—(1) The objects of the Commission are and it has power,

Objects
and powers

(a) to provide waste disposal and reclamation services throughout the province, including incineration and landfill;

(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

(c) to study methods of marketing reclaimed materials;
and

(d) to provide waste collection services in areas where it
would be uneconomical for local authorities to do so.

**Further
powers**

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

7. The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

**Annual
report**

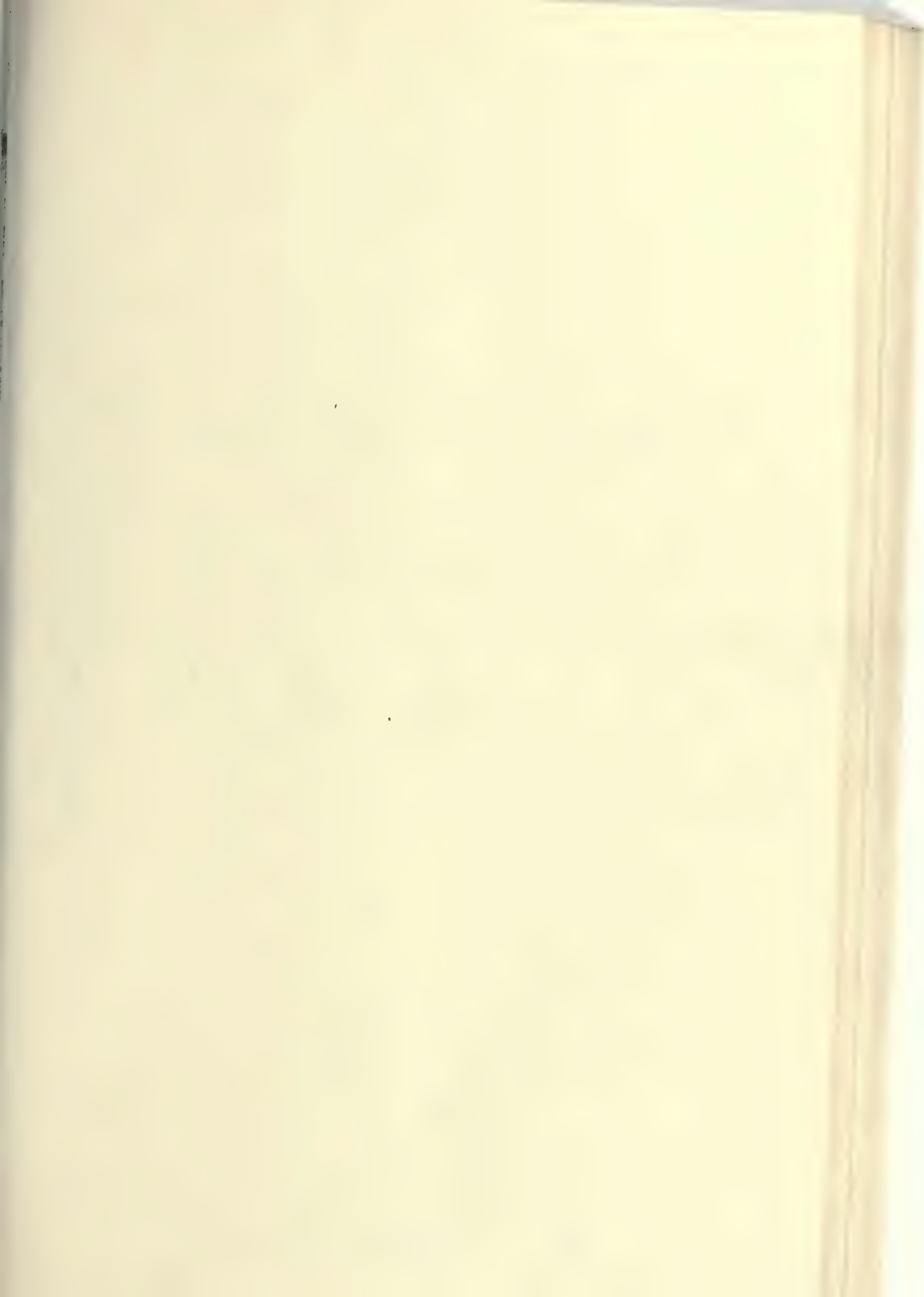
8. The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**Commence-
ment**

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Ontario Waste Disposal and Reclamation Commission Act, 1976*.



1. The first part of the problem is to find the value of the function $f(x)$ at the point $x = 1$.

2. The second part of the problem is to find the value of the function $f(x)$ at the point $x = 2$.

3. The third part of the problem is to find the value of the function $f(x)$ at the point $x = 3$.

$$\begin{array}{r} 7 \\ 2 \\ 1 \\ 5 \\ 1 \\ 1 \end{array} \quad \begin{array}{r} 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \end{array} \quad \begin{array}{r} 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \end{array} \quad \begin{array}{r} 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \end{array} \quad \begin{array}{r} 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \end{array}$$

An Act to establish the Ontario Waste
Disposal and Reclamation Commission

1st Reading

October 29th, 1976

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the
Designation and Retention of Foodlands**

MR. McCAGUE

EXPLANATORY NOTE

This Bill provides for the classification of Ontario agricultural foodlands into classifications 1 to 4 of the *Agricultural and Rural Development Act* (Canada) and the surveying, designation and development of such foodlands.

BILL 162

1976

An Act to provide for the Designation and Retention of Foodlands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "agricultural land" means any land available for any agricultural use, whether or not it is presently used for such purpose;

(b) "designated municipality" means a designated municipality as defined in *The Planning Act*;

R.S.O. 1970,
c. 349

(c) "foodland" includes,

(i) any agricultural land included in categories one to four inclusive of the classification prepared pursuant to subsection 2 of section 3 of the *Agricultural and Rural Development Act* (ARDA) (Canada) and contained in Canada Land Inventory—soil capability for agricultural series, and

R.S.C. 1970,
c. A-4

(ii) any special crop lands;

(d) "Minister" means the Minister of Housing or such other member of the Executive Council to whom the administration of *The Planning Act* is assigned;

(e) "official plan" has the same meaning as in *The Planning Act*;

(f) "planning area" is a planning area as defined in *The Planning Act*.

2. Every planning board shall, within two years following proclamation of this Act,

Duties
of planning
board

R.S.C. 1970,
c. A-4

(a) survey and classify all agricultural land situate within the planning area in accordance with the classifications established and defined in studies and maps made and prepared pursuant to paragraph a of section 3 of the *Agricultural and Rural Development Act (ARDA)* (Canada);

(b) prepare a plan designating as foodlands those areas which can be defined as such, and recommend such plan to the council of the designated municipality for adoption;

(c) develop planning criteria primarily designed to promote retention and protection of foodlands but which will permit non-agricultural use where justified.

Duty of
council upon
receipt of
planning
board recom-
mendation

3. The council of a designated municipality shall, when it receives the recommendation from the planning board, adopt the amendment to the plan by by-law.

Where
agricultural
land not in a
planning area
or is in a
territory
without
municipal
organization

4. Where agricultural land is situate in an area that has not been defined as a planning area or is in a territory without municipal organization, the Minister shall define and name a planning area and may appoint a planning board for the planning area.

Limitation
re non-
agricultural
use

5. No agricultural land, which, prior to the completion of a planning study pursuant to section 2 is likely to be defined as foodland, may be connected to a non-agricultural use without the specific recommendation of the planning board.

Minister's
authority
re foodlands
programs

6. The Minister may cause to be prepared and undertaken, directly or in co-operation with any municipality, programs of research and investigation respecting the use, retention, protection and economic development of foodlands in that municipality.

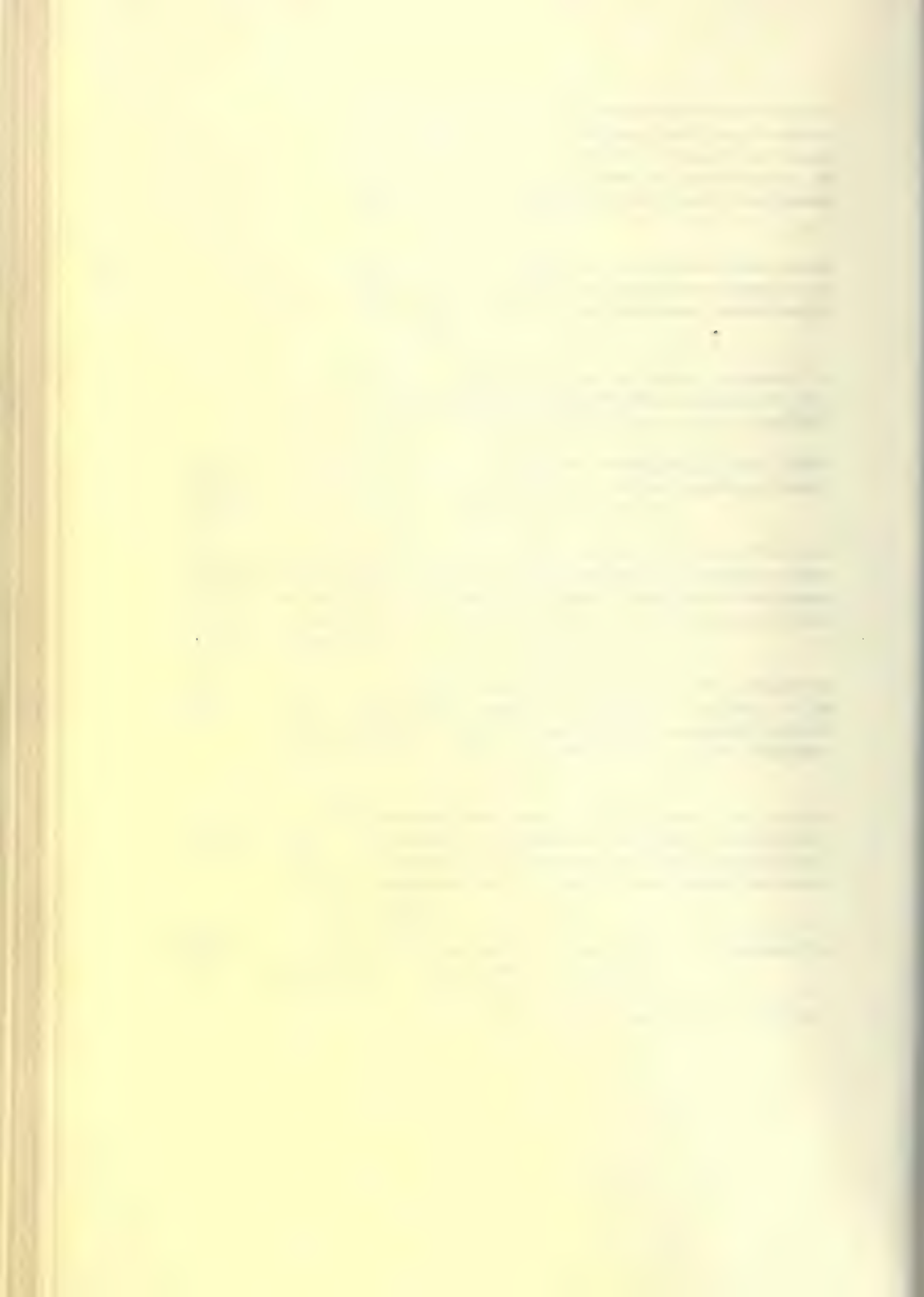
Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Foodlands Protection Act, 1976*.





1884-1885

BILL 162

An Act to provide for the
Designation and Retention of Foodlands

1st Reading

November 15th, 1976

2nd Reading

3rd Reading

MR. McCAGUE

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Construction Safety Act, 1973**

MR. DI SANTO

EXPLANATORY NOTE

This Bill provides for,

- (a) direct verbal contact between crane operators and load men;
- (b) the stationing of signal men if a crane operator's view of the load he is moving is obscured;
- (c) the introduction of compulsory employer safety training classes in companies with ten or more construction employees;
- (d) workers with less than one year's experience in an area of construction to which they are to be assigned taking Ministry safety courses;
- (e) the commencing of an inquest within seven days of a fatal accident within the construction industry; and
- (f) the Minister's passing of regulations relating to,
 - (i) a uniform signal standard,
 - (ii) moving swing stages,
 - (iii) moving equipment and machinery, and
 - (iv) the content of the employer safety instruction classes.

BILL 163

1976

**An Act to amend
The Construction Safety Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Construction Safety Act, 1973*, being chapter 47, ^{s. 1, amended} is amended by adding thereto the following clause:

(ja) "Ministry" means the Ministry of Labour.

2. The said Act is amended by adding thereto the following ^{s. 18a, enacted} section:

18a.—(1) Crane operators shall remain in voice contact, through telecommunication equipment, with load men. ^{Crane operators to be in contact with load men}

(2) In addition to subsection 1, where a crane operator is unable to clearly view the load he is moving, a signal man shall be so stationed as, ^{Where crane operator unable to clearly view load}

(a) to clearly view the load;

(b) to relay clearly visible hand signals to the crane operator; and

(c) when required, to guide the load.

3. The said Act is further amended by adding thereto the following ^{ss. 23a, 23b, enacted} sections:

23a.—(1) At every place of employment with ten or more construction workers, the employer shall cause weekly one hour safety instruction classes to be held during the workers' normal working hours. ^{Employer safety instruction classes}

(2) A worker shall receive his normal benefits and be paid his regular wage while attending an employer safety instruction class referred to in subsection 1. ^{Benefits and wages}

Requirement
to attend
Ministry
safety
training
course

23b.—(1) All workers with less than one year's direct experience in the area of construction to which they are to be assigned shall commence training in a Ministry safety training course directly related to that area of construction prior to their assignment therein.

Ministry
safety
certificate

(2) All workers successfully completing a course referred to in subsection 1 shall receive a Ministry safety certificate in relation to that area of construction.

Employer
to pay
worker
costs re
course

(3) All travel and other costs reasonably incurred by a worker while taking the course referred to in subsection 1 shall be borne by the employer.

Benefits
and wages

(4) A worker shall receive his normal benefits and be paid his regular wage while attending a Ministry safety training course referred to in subsection 1.

Prohibition
re dis-
crimatory
action

(5) No discriminatory action shall be taken against a worker by reason of that worker's participation in the Ministry course referred to in subsection 1.

ss. 25a-25d,
enacted

4. The said Act is further amended by adding thereto the following sections:

Inquest

25a. Where a fatality within the construction industry occurs as a result of an accident, the Ministry shall commence an inquest within seven days of the fatality.

Limitation
on construc-
tion worker
commencing
employment

25b. No construction worker shall commence employment in an area of construction unless,

- (a) he is presently employed in that area of construction;
- (b) he has a minimum of one year's experience in that area of construction; or
- (c) he has received a Ministry safety certificate in relation to that area of construction.

Limitation
on employer
assigning
construction
workers

25c. No employer shall assign a construction worker to an area of construction unless that worker,

- (a) is presently employed in that area of construction;
- (b) has a minimum of one year's experience in that area of construction; or

- (c) has received a Ministry safety certificate in relation to that area of construction.

25*d*. No employer shall deduct any wage from or reduce any benefit of a worker as a result of that worker attending an employer safety instruction class under section 23*b* or a Ministry safety training course under section 23*a*. Prohibition re employer deducting wages and reducing benefits

5. The said Act is further amended by adding thereto the following section: s. 31*a*, enacted

31*a*. The Minister shall make regulations, Regulations

- (a) prescribing a uniform signal standard for use throughout the construction industry, including provision for the use of telecommunication equipment;
- (b) prescribing methods and conditions of moving swing stages;
- (c) prescribing classes, methods and conditions of moving equipment or machinery; and
- (d) prescribing the form and content of employer safety instruction classes.

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Construction Safety Amendment Act, 1976*. Short title





An Act to amend
The Construction Safety Act, 1973

1st Reading

November 18th, 1976

2nd Reading

3rd Reading

MR. DI SANTO

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Election Finances Reform Act, 1975**

MR. SAMIS

EXPLANATORY NOTE

This Bill requires that every candidate in a provincial election file with the Commission on Election Contributions and Expenses a list of his personal assets as part of his application for registration with the Commission, thereby making such a disclosure a prerequisite to the acceptance of campaign contributions.

BILL 164

1976

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Election Finances Reform Act, 1975*, being chapter 12, is amended by adding thereto the following clause:

s. 15 (2),
amended

(ca) a list of his present annual income, real estate holdings and other financial assets, including stock investments and corporate interests.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Election Finances Reform Amendment Act, 1976*. Short title

An Act to amend
The Election Finances Reform Act, 1975

1st Reading

November 22nd, 1976

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Election Public Opinion Polls and Surveys**

MR. SAMIS

EXPLANATORY NOTE

This Bill prohibits the publishing and broadcasting of political opinion polls and surveys during an election where the polls or surveys relate to the outcome of the election, or the standing of any leader, candidate or party in the election.

BILL 165

1976

An Act respecting Election Public Opinion Polls and Surveys

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "candidate" means,

(i) a person who is duly nominated as a candidate for an electoral district in accordance with *The Election Act*,

R.S.O. 1970,
c. 142

(ii) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or

(iii) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself to be an independent candidate at the election in the electoral district;

(b) "election" means an election to elect a member or members to serve in the Assembly;

(c) "leader" means a leader of a political party registered under *The Election Finances Reform Act, 1975*; 1975, c. 12

(d) "party" means a political party registered under *The Election Finances Reform Act, 1975*.

2. Once an election writ has been issued, no person shall procure for publication, cause to be published or consent to the publication of or broadcast or consent to the broadcasting of a public opinion poll or survey relating to the

Prohibition
re opinion
polls and
surveys

outcome of an election or the standing of any leader, candidate or party in the election in a newspaper, magazine or other periodical publication or on a radio or television station until such time as the voting polls are officially closed.

Offence

3. Every person who contravenes any provision of this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

4. Where a corporation is convicted of an offence under section 3, the maximum penalty that may be imposed upon the corporation is \$10,000, and not as provided therein.

**Commence-
ment**

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Election Public Opinion Polls and Surveys Act, 1976*.



An Act respecting
Election Public Opinion Polls and Surveys

1st Reading

November 22nd, 1976

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to register
Condominium Property Management Firms**

MR. LELUK

EXPLANATORY NOTE

This Bill provides for the registration, bonding and inspection of condominium property management firms.

BILL 166

1976

An Act to register Condominium Property Management Firms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation

- (a) "Minister" means the Minister of Consumer and Commercial Relations;
- (b) "registrant" means a condominium property management firm registered under this Act;
- (c) "Registrar" means the Registrar appointed under section 2;
- (d) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*. R.S.O. 1970,
c. 73

2.—(1) There shall be a Registrar of Condominium Property Management Firms who shall be appointed by the Lieutenant Governor in Council for the purposes of this Act. Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act. Duties

3. No condominium property management firm shall manage a condominium property unless it is registered by the Registrar under this Act. Acting as
condominium
property
management
firm

4.—(1) An applicant is entitled to registration or renewal of registration as a condominium property management firm by the Registrar except where, Registration
of firms

- (a) the past conduct of the applicant affords reasonable grounds for the belief that it will not carry on

business in accordance with law and with integrity and honesty; or

- (b) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Notice of proposal to refuse or revoke

5.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that it is entitled to a hearing by the Tribunal if it mails or delivers, within fifteen days after the notice under subsection 1 is served on it, notice in writing requiring a hearing to the Registrar and the Tribunal, and it may so require such a hearing.

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering its registration.

6. Where the Registrar proposes to suspend or revoke a registration, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the registration and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded. Interim
suspension

7. Notwithstanding that a registrant appeals from an order of the Tribunal, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. Order
effective,
stay

8. Where, within the time prescribed therefor or, if no time is prescribed, before expiry of its registration, a registrant has applied for renewal of its registration, its registration shall be deemed to continue, Continuance
pending
renewal

(a) until the renewal is granted; or

(b) where it is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

9. A registration is not transferable. Registration
not
transferable

10. Every registrant shall file with the Registrar, Bond

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1970,
c. 196

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, for terms, and \$5,000 or such other amount as the Registrar determines.

11. Where the Registrar believes on reasonable and probable grounds that a condominium property management firm is making false, misleading or deceptive statements in any advertisement, or that the advertisement is in contravention of the regulations, the Registrar may order the immediate cessation of the use of such advertising, but the Tribunal may grant a stay until the Registrar's order becomes final. False
advertising

Use of
unregistered
condominium
property
management
firm

12. No person shall knowingly engage or use the services of a condominium property management firm that is not registered under this Act.

Inspection

13.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a registrant to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a condominium property management firm without being registered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such firm's business premises to make an inspection for the purpose of determining whether or not the firm is in contravention of section 3.

Powers on
inspection

(3) Upon an inspection under this section, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the firm being inspected that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the firm being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissi-
bility
of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigation
of complaints

14.—(1) Where the Registrar receives a written complaint in respect of a registrant and so directs in writing, the registrant shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The direction under subsection 1 shall indicate the ^{Idem} nature of the complaint involved.

(3) For the purposes of subsection 1, the Registrar or any ^{Idem} person designated in writing by him may on notice at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint.

15. The Minister may by order appoint a person to make ^{Investigation on order of Minister} an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such ^{1971, c. 49} investigation as if it were an inquiry under that Act.

16.—(1) Where, upon a statement made under oath, the ^{Investigation by Registrar} Registrar believes on reasonable and probable grounds that any firm or person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act, ^{R.S.C. 1970, c. C-34}

the Registrar may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of this Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Registrar.

(2) For purposes relevant to the subject-matter of an ^{Powers of investigator} investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the firm or person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such firm or person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such firm or person and into property, assets or things owned, acquired or alienated in whole or in part by

it or him or any person acting on its or his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and
search

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the firm or person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the firm or person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the firm or person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

(7) The Minister or Registrar may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. Appointment of expert

17.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 13, 14, 15 or 16 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Matters confidential

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the firm or person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony in civil suit

18.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the firm or person to whom delivery or service is required to be made at its or his last-known address. Service

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the firm or person on whom service is being made establishes that it or he did not, acting in good faith, through absence, accident, illness or other cause beyond its or his control receive the notice or order until a later date. Idem

19.—(1) Where it appears to the Registrar that any firm or person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it or he may have, the Registrar may apply to a judge of the High Court for an order directing such firm or person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. Restraining order

Appeal (2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences **20.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Limitation (3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence **21.**—(1) A statement as to,

- (a) the registration or non-registration of any firm;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister. Proof of
Minister's
signature

22. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class of condominium property management firm from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) providing for the expiration and renewal of registrations;
- (d) requiring condominium property management firms or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) governing the form and content of advertising by condominium property management firms;
- (f) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by condominium property management firms;
- (g) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (h) prescribing forms for the purposes of this Act and providing for their use; and
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

23. This Act comes into force on the day it receives Royal Assent. Commence-
ment

24. This Act may be cited as *The Condominium Property Management Firms Act, 1976*. Short title

An Act to register Condominium
Property Management Firms

1st Reading

November 22nd, 1976

2nd Reading

3rd Reading

MR. LELUK

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Liquor Control Act, 1975**

MR. SAMIS

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
1000 1000 1000

EXPLANATORY NOTE

The purpose of the Bill is to enable independent, owner operated grocery stores to sell beer and apple cider.

BILL 167

1976

**An Act to amend
The Liquor Control Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Liquor Control Act, 1975*, being chapter 27, ^{s. 3, amended} is amended by adding thereto the following clause:

 (ka) to appoint independent, owner operated grocery stores as vendors of beer and apple cider and to regulate or restrict the keeping for sale, sale and delivery of such beer or apple cider.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Liquor Control Amendment Act, 1976*. ^{Short title}

An Act to amend
The Liquor Control Act, 1975

1st Reading

November 22nd, 1976

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Corporations Tax Act, 1972**

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTE

The Bill re-enacts section 104 of the Act, which provides a deduction from tax in respect of tax paid to a jurisdiction outside Canada on investment income earned in such jurisdiction. The re-enactment enlarges the deduction by adding to foreign investment income, taxable capital gains received from the foreign jurisdiction and allowing a deduction in respect of the tax paid to the foreign jurisdiction on such capital gains. In addition, the limit of the deduction is increased to 12 per cent from 10 per cent of the foreign investment income.

BILL 168

1976

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 104 of *The Corporations Tax Act, 1972*, being chapter 143, is repealed and the following substituted therefor: s. 104,
re-enacted

104.—(1) Where a corporation has a permanent establish- Foreign
tax
deduction
ment in Ontario, and,

(a) the corporation has included in computing its income for the fiscal year,

(i) income that was derived from sources within a jurisdiction outside Canada in the form of dividends, interest, rents or royalties received in the year,

(ii) income that is deemed to have been received in the form of dividends and interest from a jurisdiction outside Canada by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), or

1970-71,
c. 63 (Can.)

(iii) the amount by which,

(A) the aggregate of that part of the corporation's taxable capital gains for the fiscal year from the disposition of property as may reasonably be considered to be income from a source within a jurisdiction outside Canada,

exceeds,

(B) the aggregate of such of the corporation's allowable capital losses for the

year from the disposition of property as may reasonably be considered to be a loss from a source within that jurisdiction outside Canada,

hereinafter in this section referred to as "foreign investment income"; or

- (b) the corporation, having included in its income for the fiscal year foreign investment income from sources within a jurisdiction outside Canada, also included income from a business carried on by it in that jurisdiction, hereinafter in this section referred to as "foreign business income",

and where,

1970-71,
c. 63 (Can.)

- (c) for the purposes of subsection 2 of section 126 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purpose of allocating taxable income to a jurisdiction outside Ontario in accordance with the regulations made under section 103, such foreign investment income has been excluded from the calculation of gross revenue or any part thereof; and
- (d) the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), hereinafter in this section referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of subsection 5 of section 148 of the *Income Tax Act* (Canada),

the corporation may deduct from the tax otherwise payable under this Part for the fiscal year an amount equal to the lesser of,

- (e) 12 per cent of that part of such foreign investment income that is income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario for the purpose of section 103; and

(f) the deficiency, if any, between,

- (i) the income or profits tax paid for the fiscal year by the corporation to the jurisdiction outside Canada in respect of the foreign investment income referred to in clause e, and
- (ii) the foreign tax credit allowed for the fiscal year in respect of such foreign investment income under subsection 1 of section 126 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

(2) For greater certainty, where the income of a corporation for a fiscal year is in whole or in part from sources in more than one jurisdiction outside Canada, subsection 1 shall be read as providing for a separate deduction in respect of each jurisdiction outside Canada. Idem

- 2. This Act shall be deemed to have come into force on the 1st day of January, 1976 and applies to corporations in respect of all fiscal years ending after the 31st day of December, 1975. Commence-
ment
- 3. This Act may be cited as *The Corporations Tax Amendment Act, 1976* (No. 3). Short title

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 23rd, 1976

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

BILL 168

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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BILL 168

1976

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 104 of *The Corporations Tax Act, 1972*, being chapter 143, is repealed and the following substituted therefor: s. 104,
re-enacted

104.—(1) Where a corporation has a permanent establishment in Ontario, and, Foreign
tax
deduction

(a) the corporation has included in computing its income for the fiscal year,

- (i) income that was derived from sources within a jurisdiction outside Canada in the form of dividends, interest, rents or royalties received in the year,
- (ii) income that is deemed to have been received in the form of dividends and interest from a jurisdiction outside Canada by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), or

1970-71,
c. 63 (Can.)

(iii) the amount by which,

- (A) the aggregate of that part of the corporation's taxable capital gains for the fiscal year from the disposition of property as may reasonably be considered to be income from a source within a jurisdiction outside Canada,

exceeds,

- (B) the aggregate of such of the corporation's allowable capital losses for the

year from the disposition of property as may reasonably be considered to be a loss from a source within that jurisdiction outside Canada,

hereinafter in this section referred to as "foreign investment income"; or

- (b) the corporation, having included in its income for the fiscal year foreign investment income from sources within a jurisdiction outside Canada, also included income from a business carried on by it in that jurisdiction, hereinafter in this section referred to as "foreign business income",

and where,

1970-71,
c. 63 (Can.)

- (c) for the purposes of subsection 2 of section 126 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purpose of allocating taxable income to a jurisdiction outside Ontario in accordance with the regulations made under section 103, such foreign investment income has been excluded from the calculation of gross revenue or any part thereof; and
- (d) the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), hereinafter in this section referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of subsection 5 of section 148 of the *Income Tax Act* (Canada),

the corporation may deduct from the tax otherwise payable under this Part for the fiscal year an amount equal to the lesser of,

- (e) 12 per cent of that part of such foreign investment income that is income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario for the purpose of section 103; and

(f) the deficiency, if any, between,

(i) the income or profits tax paid for the fiscal year by the corporation to the jurisdiction outside Canada in respect of the foreign investment income referred to in clause e, and

(ii) the foreign tax credit allowed for the fiscal year in respect of such foreign investment income under subsection 1 of section 126 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

(2) For greater certainty, where the income of a corporation for a fiscal year is in whole or in part from sources in more than one jurisdiction outside Canada, subsection 1 shall be read as providing for a separate deduction in respect of each jurisdiction outside Canada. Idem

2. This Act shall be deemed to have come into force on the 1st day of January, 1976 and applies to corporations in respect of all fiscal years ending after the 31st day of December, 1975. Commence-
ment
3. This Act may be cited as *The Corporations Tax Amendment Act, 1976* (No. 3). Short title



THE JOURNAL OF THE

AMERICAN MEDICAL ASSOCIATION

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An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 23rd, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 7th, 1976

THE HON. A. K. MEEN
Minister of Revenue

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Income Tax Act

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

SECTION 1. The amendment proposed in section 1 of the Bill will continue the rate of personal income tax for residents of Ontario at 30.5 per cent for the 1977 taxation year. The clause to be repealed presently reads as follows:

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years.

SECTION 2. The words deleted will remove from the computation of the "sales tax credit" those personal deductions permitted by section 110 of the *Income Tax Act* (Canada). The result will be that the credit will be computed only on the personal exemptions available under section 109 of that Act. This amendment is made to reflect changes to sections 109 and 110 of the Federal Act proposed by the Minister of Finance in his Budget of last spring. The references deleted are to deductions in section 110 of the Federal Act with respect to blindness, confinement to a bed or a wheelchair, or full-time attendance at an educational institution.

BILL 169

1976

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 16, section 1, is repealed and the following substituted therefor:

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975, 1976 and 1977 taxation years.
2. Clause *b* of subsection 2 of section 6*b* of the said Act, as ^{s. 6*b* (2) (b), amended} re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1975, chapter 16, section 3, is further amended by striking out "or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act" in the third, fourth and fifth lines.
3. This Act shall be deemed to have come into force on the 1st ^{Commence-} day of January, 1976 and applies to the 1976 and subsequent ^{ment} taxation years.
4. This Act may be cited as *The Income Tax Amendment Act*, ^{Short title} 1976 (No. 2).

An Act to amend
The Income Tax Act

1st Reading

November 23rd, 1976

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

BILL 169

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Income Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 169

1976

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 16, section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973, 1974, 1975, 1976 and 1977 taxation years.

2. Clause *b* of subsection 2 of section 6*b* of the said Act, as ^{s. 6*b* (2) (b), amended} re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1975, chapter 16, section 3, is further amended by striking out "or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act" in the third, fourth and fifth lines.
3. This Act shall be deemed to have come into force on the 1st <sup>Commence-
ment</sup> day of January, 1976 and applies to the 1976 and subsequent taxation years.
4. This Act may be cited as *The Income Tax Amendment Act*, ^{Short title} 1976 (No. 2).

BILL 109

An Act to amend
The Income Tax Act

1st Reading

November 23rd, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 7th, 1976

THE HON. A. K. MEEN
Minister of Revenue

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Retail Sales Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments made in this section repeal the provisions of *The Retail Sales Tax Amendment Act* passed earlier this year that dealt with "production property". These provisions were not to come into force until 1977, but the introduction of the exemption for production machinery and equipment in this Bill makes the provisions for taxing production property enacted earlier this year unnecessary.

BILL 170

1976

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8a of section 1 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed. s. 1,
par. 8a,
repealed
- (2) Paragraph 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor: s. 1,
par. 9,
re-enacted
 9. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense, and includes a person who, at his expense purchases admission to a place of amusement for himself or for another person.
- (3) Clause *fa* of paragraph 13 of the said section 1, as enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed. s. 1,
par. 13 (fa),
repealed
- (4) Paragraph 15 of the said section 1, as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor: s. 1,
par. 15,
re-enacted
 15. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the

senses, and includes natural gas, manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid for possession or occupation of the real property to which the chattel is affixed.

s. 2,
amended

- 2.** Section 2 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, 1974, chapter 7, section 1, 1975, chapter 9, section 2 and 1976, chapter 23, section 2, is further amended by adding thereto the following subsection:

Sale by
rent or
lease

(5a) Notwithstanding subsection 5 and section 9, where a purchaser,

- (a) rents or leases from any person any taxable service at a sale in Ontario; or
- (b) acquires tangible personal property at a sale that is the lease or rental to him of such tangible personal property without provision for the transfer to him of title thereto, or with the provision of such transfer only upon the exercise of an option or similar right to acquire such tangible personal property,

the tax imposed by this Act shall be computed, paid and collected at the time of, and on the fair value of the consideration given in payment of, each rental payment made by or on behalf of the purchaser in respect of the lease or rental of such taxable service or tangible personal property, and tax shall, in addition, be computed, paid and collected at the time of, and on the fair value of the consideration given in payment for, each of the obtaining of any option or similar right to purchase the tangible personal property leased or rented or the exercising of any such option or similar right.

s. 5 (1),
par. 38,
re-enacted

- 3.—(1)** Paragraph 38 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

38. materials (except grease, lubricating oil or fuel for use in internal combustion engines) that are purchased to be used up or expended by a manufacturer or by a producer directly in,

- (a) the manufacture or production of tangible personal property, the development by such manufacturer or producer of goods for his manufacture or production, or the develop-

SECTION 2. The amendment clarifies a long-standing administrative practice that, where a sale is by a lease that transfers only the possession of tangible personal property and that does not provide for the transfer of title to the property except through the exercise of an option that may or may not be exercised, tax is payable on each rental instalment at the time the instalment is paid. This procedure, it has been felt, better equates the tax payable with the use made of the property by the lessee.

SECTION 3.—Subsection 1. The two paragraphs added by this amendment exempt, firstly, materials expended or used up in the manufacture of tangible personal property or in the treatment of pollutants to air, soil and water and, secondly, production machinery and equipment used in manufacturing and production, in logging and mining, and, to a limited extent, in exploration for and development of minerals and petroleum products.



ment by such manufacturer or producer of manufacturing or production processes for his own use;

- (b) the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations; or
- (c) a manufacturing or production process prescribed by the Minister for this clause and when the materials so used up or expended are prescribed by the Minister for the purpose of this clause.

38a. machinery or equipment purchased for the use of a manufacturer, or for the use of a producer, if such machinery or equipment is,

- (a) to be used directly in the manufacture or production of tangible personal property, in the development by such manufacturer or producer of goods for his manufacture or production, or in the development by such manufacturer or producer of manufacturing or production processes for his own use;
- (b) to be used by such manufacturer or producer directly in the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations;
- (c) to be used by such manufacturer or producer to carry away refuse or waste from machinery or equipment used directly in the manufacture or production of tangible personal property, or to be used to exhaust or expel dust or noxious fumes produced in the manufacturing or producing operations of such manufacturer or producer;
- (d) a gasoline-powered or diesel-powered self-propelled truck mounted on rubber-tired wheels that is not operated on the highway and that is used exclusively at mines or quarries;

- (e) a tractor (other than a highway truck tractor) powered by an internal combustion engine, a logging wagon, logging sled, logging car or logging crane, a captive balloon with a volume of 150,000 cubic feet or more, or wire rope, blocks and tackle, or machinery, and is used exclusively in logging operations including the removal of the log from the stump to the skidway, log dump, or to a common or other carrier;
- (f) pipes, tubing, casings, fittings, couplings, thread protectors and nipples therefor, and drilling pipe that are commonly known as "oil country goods" and are used in connection with natural gas or oil wells; or
- (g) machinery, equipment and apparatus, including wire rope, drilling bits, drilling mud and seismic shot-hole casing, to be used in the exploration for, or in the discovery or development of, petroleum, natural gas or minerals,

but the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the Minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

s. 5 (1),
par. 49 (c),
repealed

- (2) Clause *c* of paragraph 49 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1975, chapter 9, section 4, is repealed.

s. 5 (1),
par. 67,
repealed

- (3) Paragraph 67 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed.

s. 42 (3),
amended

- 4. Subsection 3 of section 42 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12, is further amended by adding thereto the following clause:

- (g) providing for the rebate of tax paid on parts that are used to increase the output or capacity of machinery and equipment, the purchase of which would be exempt by clause *a* of paragraph 38*a*

Subsection 2. The provision repealed required that the exemption provided for production and construction machinery and equipment could not be obtained where the machinery had a value of more than \$15,000, and was to be delivered in 1977, unless a copy of the contract for its purchase was filed with the Minister. With the extension of the exemption for production machinery, it is not felt that this requirement is administratively necessary, and the requirement is being repealed.

Subsection 3. See the note to section 1 of the Bill; the repeal of paragraph 67 is to the same effect.

SECTION 4. The new clause will provide for rebates of tax paid on parts that are used to increase the capacity of output of certain classes of machinery and equipment by a specified amount.

SECTION 5. Complementary to section 1 and subsection 3 of section 3 of the Bill; the provisions repealed related to the coming into force of certain sections of *The Retail Sales Tax Amendment Act, 1976*.

of subsection 1 of section 5 if the capacity or output of such machinery or equipment is increased by not less than 25 per cent of the original output or capacity specified for such machinery or equipment, and prescribing the conditions on which such rebate may be made and, where the Minister considers it appropriate, the method of calculating in any case or class of cases the increase in output or capacity necessary to meet the requirements of this clause.

- 5.—(1) Subsection 1 of section 13 of *The Retail Sales Tax Amendment Act, 1976*, being chapter 23, is amended by striking out “subsections 3, 4, 5 and 6 of section 1,” in the first line and by striking out “and subsection 8 of section 3” in the second line. 1976, c. 23, s. 13 (1), amended
- (2) Subsection 3 of section 13 of the said Act is repealed. 1976, c. 23, s. 13 (3), repealed
- 6.—(1) This Act, except sections 1 and 2, subsections 1 and 3 of section 3, section 4 and section 5, comes into force on the day it receives Royal Assent. Commencement
- (2) Section 2 shall be deemed to have come into force on *Idem* the 8th day of April, 1975.
- (3) Section 1, subsection 3 of section 3, and section 5, shall *Idem* be deemed to have come into force on the 14th day of April, 1976.
- (4) Subsection 1 of section 3 and section 4 come into force *Idem* on the 1st day of January, 1977.
7. This Act may be cited as *The Retail Sales Tax Amendment Act, 1976* (No. 2). Short title

An Act to amend
The Retail Sales Tax Act

1st Reading

November 23rd, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Retail Sales Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments made in this section repeal the provisions of *The Retail Sales Tax Amendment Act* passed earlier this year that dealt with "production property". These provisions were not to come into force until 1977, but the introduction of the exemption for production machinery and equipment in this Bill makes the provisions for taxing production property enacted earlier this year unnecessary.

BILL 170

1976

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8a of section 1 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed. s. 1,
par. 8a,
repealed
- (2) Paragraph 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor: s. 1,
par. 9,
re-enacted
 9. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense, and includes a person who, at his expense purchases admission to a place of amusement for himself or for another person.
- (3) Clause fa of paragraph 13 of the said section 1, as enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed. s. 1,
par. 13 (fa),
repealed
- (4) Paragraph 15 of the said section 1, as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor: s. 1,
par. 15,
re-enacted
 15. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the

senses, and includes natural gas, manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid for possession or occupation of the real property to which the chattel is affixed.

s. 2,
amended

- 2.** Section 2 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, 1974, chapter 7, section 1, 1975, chapter 9, section 2 and 1976, chapter 23, section 2, is further amended by adding thereto the following subsection:

Sale by
rent or
lease

(5a) Notwithstanding subsection 5 and section 9, where a purchaser,

- (a) rents or leases from any person any taxable service at a sale in Ontario; or
- (b) acquires tangible personal property at a sale that is the lease or rental to him of such tangible personal property without provision for the transfer to him of title thereto, or with the provision of such transfer only upon the exercise of an option or similar right to acquire such tangible personal property,

the tax imposed by this Act shall be computed, paid and collected at the time of, and on the fair value of the consideration given in payment of, each rental payment made by or on behalf of the purchaser in respect of the lease or rental of such taxable service or tangible personal property, and tax shall, in addition, be computed, paid and collected at the time of, and on the fair value of the consideration given in payment for, each of the obtaining of any option or similar right to purchase the tangible personal property leased or rented or the exercising of any such option or similar right.

s. 5(1),
par. 38,
re-enacted

- 3.—(1)** Paragraph 38 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

38. materials (except grease, lubricating oil or fuel for use in internal combustion engines) that are purchased to be used up or expended by a manufacturer or by a producer directly in,

- (a) the manufacture or production of tangible personal property, the development by such manufacturer or producer of goods for his manufacture or production, or the develop-

SECTION 2. The amendment clarifies a long-standing administrative practice that, where a sale is by a lease that transfers only the possession of tangible personal property and that does not provide for the transfer of title to the property except through the exercise of an option that may or may not be exercised, tax is payable on each rental instalment at the time the instalment is paid. This procedure, it has been felt, better equates the tax payable with the use made of the property by the lessee.

SECTION 3.—Subsection 1. The two paragraphs added by this amendment exempt, firstly, materials expended or used up in the manufacture of tangible personal property or in the treatment of pollutants to air, soil and water and, secondly, production machinery and equipment used in manufacturing and production, in logging and mining, and, to a limited extent, in exploration for and development of minerals and petroleum products.

ment by such manufacturer or producer of manufacturing or production processes for his own use;

- (b) the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations; or
- (c) a manufacturing or production process prescribed by the Minister for this clause and when the materials so used up or expended are prescribed by the Minister for the purpose of this clause.

38a. machinery or equipment purchased for the use of a manufacturer, or for the use of a producer, if such machinery or equipment is,

- (a) to be used directly in the manufacture or production of tangible personal property, in the development by such manufacturer or producer of goods for his manufacture or production, or in the development by such manufacturer or producer of manufacturing or production processes for his own use;
- (b) to be used by such manufacturer or producer directly in the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations;
- (c) to be used by such manufacturer or producer to carry away refuse or waste from machinery or equipment used directly in the manufacture or production of tangible personal property, or to be used to exhaust or expel dust or noxious fumes produced in the manufacturing or producing operations of such manufacturer or producer;
- (d) a gasoline-powered or diesel-powered self-propelled truck mounted on rubber-tired wheels that is not operated on the highway and that is used exclusively at mines or quarries;

- (e) a tractor (other than a highway truck tractor) powered by an internal combustion engine, a logging wagon, logging sled, logging car or logging crane, a captive balloon with a volume of 150,000 cubic feet or more, or wire rope, blocks and tackle, or machinery, and is used exclusively in logging operations including the removal of the log from the stump to the skidway, log dump, or to a common or other carrier;
- (f) pipes, tubing, casings, fittings, couplings, thread protectors and nipples therefor, and drilling pipe that are commonly known as "oil country goods" and are used in connection with natural gas or oil wells; or
- (g) machinery, equipment and apparatus, including wire rope, drilling bits, drilling mud and seismic shot-hole casing, to be used in the exploration for, or in the discovery or development of, petroleum, natural gas or minerals,

but the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the Minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

s. 5 (1),
par. 49 (c),
repealed

- (2) Clause *c* of paragraph 49 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1975, chapter 9, section 4, is repealed.

s. 5 (1),
par. 67,
repealed

- (3) Paragraph 67 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed.

s. 42 (3),
amended

- 4. Subsection 3 of section 42 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12, is further amended by adding thereto the following clause:

- (g) providing for the rebate of tax paid on parts that are used to increase the output or capacity of machinery and equipment, the purchase of which would be exempt by clause *a* of paragraph 38*a*

Subsection 2. The provision repealed required that the exemption provided for production and construction machinery and equipment could not be obtained where the machinery had a value of more than \$15,000, and was to be delivered in 1977, unless a copy of the contract for its purchase was filed with the Minister. With the extension of the exemption for production machinery, it is not felt that this requirement is administratively necessary, and the requirement is being repealed.

Subsection 3. See the note to section 1 of the Bill; the repeal of paragraph 67 is to the same effect.

SECTION 4. The new clause will provide for rebates of tax paid on parts that are used to increase the capacity of output of certain classes of machinery and equipment by a specified amount.

SECTION 5. Complementary to section 1 and subsection 3 of section 3 of the Bill; the provisions repealed related to the coming into force of certain sections of *The Retail Sales Tax Amendment Act, 1976*.

SECTION 6. The section provides for a review of the impact on the areas mentioned of the sales tax exemption created by section 3 of the Bill and the tabling of a report thereon.

of subsection 1 of section 5 if the capacity or output of such machinery or equipment is increased by not less than 25 per cent of the original output or capacity specified for such machinery or equipment, and prescribing the conditions on which such rebate may be made and, where the Minister considers it appropriate, the method of calculating in any case or class of cases the increase in output or capacity necessary to meet the requirements of this clause.

- 5.—(1) Subsection 1 of section 13 of *The Retail Sales Tax Amendment Act, 1976*, being chapter 23, is amended by striking out “subsections 3, 4, 5 and 6 of section 1,” in the first line and by striking out “and subsection 8 of section 3” in the second line. 1976, c. 23,
s. 13 (1),
amended

- (2) Subsection 3 of section 13 of the said Act is repealed. 1976, c. 23,
s. 13 (3),
repealed

6. Not later than the 1st day of January, 1978, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall cause a review to be made respecting the impact on the public revenues, on job creation, unemployment, investment and growth of the productive sector of Ontario resulting from the operation of the exemptions created by paragraphs 38 and 38a of subsection 1 of section 5 of *The Retail Sales Tax Act*, as enacted by section 3 of this Act, and shall lay a report setting out the results of the review before the Assembly if it is in session or, if not, at the commencement of the next ensuing session. Review to
be made and
report
tabled

- 7.—(1) This Act, except sections 1 and 2, subsections 1 and 3 of section 3, section 4 and section 5, comes into force on the day it receives Royal Assent. Commence-
ment

- (2) Section 2 shall be deemed to have come into force on the 8th day of April, 1975. Idem

- (3) Section 1, subsection 3 of section 3, and section 5, shall be deemed to have come into force on the 14th day of April, 1976. Idem

- (4) Subsection 1 of section 3 and section 4 come into force on the 1st day of January, 1977. Idem

8. This Act may be cited as *The Retail Sales Tax Amendment Act, 1976* (No. 2). Short title

An Act to amend
The Retail Sales Tax Act

1st Reading

November 23rd, 1976

2nd Reading

December 9th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the
Committee of the Whole House)

BILL 170

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Retail Sales Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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BILL 170

1976

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8a of section 1 of *The Retail Sales Tax Act*,<sup>s. 1,
par. 8a,
repealed</sup> being chapter 415 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed.
- (2) Paragraph 9 of the said section 1, as re-enacted by the<sup>s. 1,
par. 9,
re-enacted</sup> Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor:
 9. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense, and includes a person who, at his expense purchases admission to a place of amusement for himself or for another person.
- (3) Clause *fa* of paragraph 13 of the said section 1, as enacted<sup>s. 1,
par. 13 (fa),
repealed</sup> by the Statutes of Ontario, 1976, chapter 23, section 1, is repealed.
- (4) Paragraph 15 of the said section 1, as re-enacted by the<sup>s. 1,
par. 15,
re-enacted</sup> Statutes of Ontario, 1976, chapter 23, section 1, is repealed and the following substituted therefor:
 15. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the

senses, and includes natural gas, manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid for possession or occupation of the real property to which the chattel is affixed.

s. 2.
amended

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, 1974, chapter 7, section 1, 1975, chapter 9, section 2 and 1976, chapter 23, section 2, is further amended by adding thereto the following subsection:

Sale by
rent or
lease

(5a) Notwithstanding subsection 5 and section 9, where a purchaser,

- (a) rents or leases from any person any taxable service at a sale in Ontario; or
- (b) acquires tangible personal property at a sale that is the lease or rental to him of such tangible personal property without provision for the transfer to him of title thereto, or with the provision of such transfer only upon the exercise of an option or similar right to acquire such tangible personal property,

the tax imposed by this Act shall be computed, paid and collected at the time of, and on the fair value of the consideration given in payment of, each rental payment made by or on behalf of the purchaser in respect of the lease or rental of such taxable service or tangible personal property, and tax shall, in addition, be computed, paid and collected at the time of, and on the fair value of the consideration given in payment for, each of the obtaining of any option or similar right to purchase the tangible personal property leased or rented or the exercising of any such option or similar right.

s. 5(1),
par. 38,
re-enacted

- 3.—(1) Paragraph 38 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

38. materials (except grease, lubricating oil or fuel for use in internal combustion engines) that are purchased to be used up or expended by a manufacturer or by a producer directly in,

- (a) the manufacture or production of tangible personal property, the development by such manufacturer or producer of goods for his manufacture or production, or the develop-

ment by such manufacturer or producer of manufacturing or production processes for his own use;

- (b) the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations; or
- (c) a manufacturing or production process prescribed by the Minister for this clause and when the materials so used up or expended are prescribed by the Minister for the purpose of this clause.

38a. machinery or equipment purchased for the use of a manufacturer, or for the use of a producer, if such machinery or equipment is,

- (a) to be used directly in the manufacture or production of tangible personal property, in the development by such manufacturer or producer of goods for his manufacture or production, or in the development by such manufacturer or producer of manufacturing or production processes for his own use;
- (b) to be used by such manufacturer or producer directly in the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations;
- (c) to be used by such manufacturer or producer to carry away refuse or waste from machinery or equipment used directly in the manufacture or production of tangible personal property, or to be used to exhaust or expel dust or noxious fumes produced in the manufacturing or producing operations of such manufacturer or producer;
- (d) a gasoline-powered or diesel-powered self-propelled truck mounted on rubber-tired wheels that is not operated on the highway and that is used exclusively at mines or quarries;

- (e) a tractor (other than a highway truck tractor) powered by an internal combustion engine, a logging wagon, logging sled, logging car or logging crane, a captive balloon with a volume of 150,000 cubic feet or more, or wire rope, blocks and tackle, or machinery, and is used exclusively in logging operations including the removal of the log from the stump to the skidway, log dump, or to a common or other carrier;
- (f) pipes, tubing, casings, fittings, couplings, thread protectors and nipples therefor, and drilling pipe that are commonly known as "oil country goods" and are used in connection with natural gas or oil wells; or
- (g) machinery, equipment and apparatus, including wire rope, drilling bits, drilling mud and seismic shot-hole casing, to be used in the exploration for, or in the discovery or development of, petroleum, natural gas or minerals,

but the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the Minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

s. 5 (1),
par. 49 (c),
repealed

- (2) Clause *c* of paragraph 49 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1975, chapter 9, section 4, is repealed.

s. 5 (1),
par. 67,
repealed

- (3) Paragraph 67 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed.

s. 42 (3),
amended

- 4. Subsection 3 of section 42 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12, is further amended by adding thereto the following clause:

- (g) providing for the rebate of tax paid on parts that are used to increase the output or capacity of machinery and equipment, the purchase of which would be exempt by clause *a* of paragraph 38*a*

of subsection 1 of section 5 if the capacity or output of such machinery or equipment is increased by not less than 25 per cent of the original output or capacity specified for such machinery or equipment, and prescribing the conditions on which such rebate may be made and, where the Minister considers it appropriate, the method of calculating in any case or class of cases the increase in output or capacity necessary to meet the requirements of this clause.

- 5.—(1) Subsection 1 of section 13 of *The Retail Sales Tax Amendment Act, 1976*, being chapter 23, is amended by striking out "subsections 3, 4, 5 and 6 of section 1," in the first line and by striking out "and subsection 8 of section 3" in the second line. 1976, c. 23, s. 13 (1), amended
- (2) Subsection 3 of section 13 of the said Act is repealed. 1976, c. 23, s. 13 (3), repealed
6. Not later than the 1st day of January, 1978, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall cause a review to be made respecting the impact on the public revenues, on job creation, unemployment, investment and growth of the productive sector of Ontario resulting from the operation of the exemptions created by paragraphs 38 and 38a of subsection 1 of section 5 of *The Retail Sales Tax Act*, as enacted by section 3 of this Act, and shall lay a report setting out the results of the review before the Assembly if it is in session or, if not, at the commencement of the next ensuing session. Review to be made and report tabled
- 7.—(1) This Act, except sections 1 and 2, subsections 1 and 3 of section 3, section 4 and section 5, comes into force on the day it receives Royal Assent. Commencement
- (2) Section 2 shall be deemed to have come into force on the 8th day of April, 1975. Idem
- (3) Section 1, subsection 3 of section 3, and section 5, shall be deemed to have come into force on the 14th day of April, 1976. Idem
- (4) Subsection 1 of section 3 and section 4 come into force on the 1st day of January, 1977. Idem
8. This Act may be cited as *The Retail Sales Tax Amendment Act, 1976* (No. 2). Short title

BILL 170

An Act to amend
The Retail Sales Tax Act

1st Reading

November 23rd, 1976

2nd Reading

December 9th, 1976

3rd Reading

December 10th, 1976

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Funeral Services Act, 1976

THE HON. F. S. MILLER
Minister of Health

EXPLANATORY NOTE

The Bill is a revision of *The Embalmers and Funeral Directors Act*. The principal provisions of the Bill are:

1. The Board of Funeral Services is established to regulate the practices of funeral directors and to regulate funeral services establishments.
2. The Board is to be composed of five funeral directors, at least one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, and two persons who are not licensees under this Act.
3. Provision is made for the licensing as funeral directors of persons who engage in providing or directing the providing of funeral services or funeral supplies to the public, and for the licensing of funeral services establishments.
4. Provision is made for the investigation of complaints concerning and the discipline of funeral directors. The Funeral Services Review Board is established to review, on request, the disposition of complaints against funeral directors and to review or to hold hearings in respect of the licensing of funeral directors and funeral services establishments. Appeals from decisions of the Review Board may be taken to the Supreme Court in accordance with the rules of court.

The major subjects in the Bill may be located through the following table:

SUBJECT	SECTION	PAGE
Board of Funeral Services.....	2	2
Funeral director's licence.....	5	4
Committees.....	7	5
Funeral Services Review Board.....	15	12
Funeral services establishment licence...	24	18
Inspectors.....	31	23
Regulations.....	33	25
By-laws.....	34	28
Conditions of licences.....	36	30
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The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Funeral Services established under section 2;
- (b) "embalming" means the preservation of the dead human body, entire or in part, by any means, including the use of chemical substances, fluids or gases ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities;
- (c) "funeral director" means a person licensed under this Act to engage in providing or directing the providing of funeral services and funeral supplies to the public;
- (d) "funeral services" means the services usually provided by a funeral director;
- (e) "funeral services establishment" means a premises established or maintained for the purpose of providing funeral services or funeral supplies to the public;
- (f) "Minister" means the Minister of Health or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "Registrar" means the Registrar of the Board;
- (h) "regulations" means the regulations made under this Act;

- (i) "Review Board" means the Funeral Services Review Board established under section 15.

**Board of
Funeral
Services
established**

2.—(1) The Board of Funeral Services is established as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Act.

Composition

(2) The Board shall be composed of,

- (a) five funeral directors, at least one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, appointed by the Lieutenant Governor in Council; and
- (b) two persons who are not licensees under this Act and are appointed by the Lieutenant Governor in Council.

**Term of
office**

(3) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be re-appointed for further successive terms but shall not be appointed and reappointed for more than six successive years.

Vacancy

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(5) Three members of the Board, at least one of whom shall be a member appointed under clause *b* of subsection 2, constitute a quorum.

Officers

(6) The members of the Board shall appoint from among the members of the Board the chairman, the vice-chairman and the secretary-treasurer of the Board.

**Expenses and
remuneration
of members
of Board**

(7) The members of the Board,

- (a) appointed under clause *a* of subsection 2, shall be paid by the Board such expenses and remuneration as are prescribed by the regulations; and
- (b) appointed under clause *b* of subsection 2, shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

**Annual
report**

(8) The Board shall deliver to the Minister each year an annual report on the affairs of the Board and the Minister shall submit the report to the Lieutenant Governor in

Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(9) All assets and liabilities of the Board of Administration appointed under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, vest in and are binding upon the Board of Funeral Services. Transfer of assets and liabilities

(10) A reference in any Act, regulation, agreement or document to the Board of Administration shall be deemed to be a reference to the Board of Funeral Services. Amendment of references

3. The Board shall appoint a Registrar and may employ Staff such other officers and such clerks and other employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

4.—(1) The objects of the Board are, Objects of Board

- (a) to regulate the practices of funeral directors in accordance with this Act and the regulations;
- (b) to regulate funeral services establishments in accordance with this Act and the regulations;
- (c) to establish, maintain and develop standards of knowledge and skill among funeral directors;
- (d) to establish, maintain and develop standards of qualification and practice for the practice of funeral directors;
- (e) to establish, maintain and develop standards of qualification for funeral services establishments;
- (f) to establish, maintain and develop standards of professional ethics among funeral directors and funeral services establishment licensees;
- (g) to administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under this Act or the regulations or by any other Act,

in order that the public interest may be served and protected.

(2) The Board shall, Duties

(a) review the operation of this Act and the regulations and make recommendations to the Minister thereon;

(b) approve or set courses of study and examinations for the qualification of applicants for licences.

**Funeral
director's
licence**

5.—(1) No person shall engage in or hold himself out as engaging in providing or directing the providing of funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act.

Embalming

(2) No person other than a funeral director shall perform embalming.

**Proof of
performance**

(3) For the purposes of subsection 1, proof of the performance of one act in providing or directing the providing of funeral services or funeral supplies or both to the public on one occasion is sufficient to establish engaging in providing or directing the providing of funeral services or funeral supplies or both to the public.

Exceptions

(4) Subsections 1 and 2 do not apply,

(a) to a student within a training program who is working under the supervision of a funeral director who is physically present;

(b) to a student who is enrolled in a recognized course of funeral services education; or

(c) in a sparsely settled area where a funeral director is not available.

Idem

(5) Subsection 2 does not apply to a student of, or a person employed in, a recognized school of medicine or anatomy.

**Issuance
of licences**

6.—(1) The Registrar shall issue a licence as a funeral director to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Board may set or approve, and the Registrar shall refer to the Licensing Committee every application for a licence as a funeral director that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

**Powers and
duties of
Licensing
Committee**

(2) The Licensing Committee,

(a) shall determine the eligibility of applicants for licences as funeral directors and may require an

applicant to take and pass such additional examinations as the Board may set or approve and pay such fee therefor as the Licensing Committee fixes or to take such additional training as the Licensing Committee specifies; and

- (b) may exempt an applicant for a licence as a funeral director from any licensing requirement.

(3) The Licensing Committee may direct the Registrar ^{Idem} to issue or refuse to issue licences as funeral directors subject to such terms, conditions and limitations as the Licensing Committee specifies.

(4) The Licensing Committee may review the qualifications ^{Review of qualifications} of any funeral director and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study, or continuing education as the Licensing Committee specifies.

(5) The Registrar shall maintain one or more registers ^{Registers of funeral directors} in which is entered every person who is licensed as a funeral director, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Licensing Committee or Discipline Committee directs.

(6) Every person who was licensed or who held a permit ^{Continuance of licences and permits} under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be licensed as a funeral director under this Act, subject to any condition or limitation to which the licence or permit was subject.

(7) The Registrar may cancel a licence as a funeral director for non-payment of any prescribed fee after giving ^{Cancellation for default of fees} the licensee at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Board in respect of any disciplinary action arising out of his professional conduct while a licensee.

7.—(1) The Board shall establish and appoint as herein- ^{Establishment of committees} after provided the following committees,

(a) Executive Committee;

(b) Licensing Committee;

(c) Complaints Committee;

(d) Discipline Committee,

and may establish such other committees as the Board from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of the Board or any committee, the members remaining in office constitute the Board or the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

8.—(1) The Executive Committee shall be composed of three persons who are members of the Board of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

Quorum

(2) Two members of the Executive Committee constitute a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Board as are delegated to it by the Board, the by-laws or this Act and, subject to ratification by the Board at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a regulation or by-law.

Licensing Committee

9.—(1) The Licensing Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under clause *b* of subsection 2 of section 2.

Chairman

(2) The Board shall name one member of the Licensing Committee to be chairman.

Quorum

(3) A majority of the members of the Licensing Committee constitutes a quorum.

Complaints Committee

10.—(1) The Complaints Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed to the Board under clause *b* of subsection 2 of section 2.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Board shall name one member of the Complaints Committee to be chairman.

(4) A majority of the members of the Complaints Committee constitutes a quorum.

11.—(1) The Complaints Committee shall consider and ^{Duties} investigate complaints regarding the conduct or actions of any funeral director, but no action shall be taken by the Committee under subsection 2 unless,

- (a) a written complaint has been filed with the Registrar and the funeral director whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 14; or
- (b) direct that the matter not be referred under clause *a*; or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 17 and, where the ^{Decision and reasons} decision is made under clause *b* of subsection 2, its reasons therefor.

12.—(1) The Discipline Committee shall be composed of ^{Discipline Committee} three members of the Board, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

(2) A majority of the members of the Discipline Committee, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2, constitutes a ^{Quorum and votes} quorum and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee presiding at the hearing, but in the event of a tie vote the chairman shall have a second or casting vote.

Chairman (3) The Board shall name one member of the Discipline Committee to be its chairman.

Disability of lay member (4) Where a quorum of the Discipline Committee commences a hearing and the member thereof appointed under clause *b* of subsection 2 of section 2 is unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Board or Executive Committee (5) Notwithstanding any other provision of this Act, the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a funeral director.

Duties of Discipline Committee **13.—(1)** The Discipline Committee shall,

- (a) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any funeral director;
- (b) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee pursuant to this Act; and
- (c) perform such other duties as are assigned to it by the Board.

Idem (2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the funeral director is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the funeral director guilty of professional misconduct or of incompetence.

Professional misconduct (3) A funeral director may be found guilty of professional misconduct by the Committee if,

- (a) he has been found guilty of an offence relevant to his suitability to engage in the practice of a funeral director, upon proof of such conviction; or
- (b) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(4) The Discipline Committee may find a funeral director ^{Incompetence} to be incompetent if in its opinion he has displayed in the providing or in directing the providing of funeral services or funeral supplies or in performing or supervising the performing of an embalming, a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates he is unfit to continue in the practice of a funeral director.

(5) Where the Discipline Committee finds a funeral director ^{Powers of Discipline Committee} guilty of professional misconduct or incompetence, it may by order,

- (a) revoke the licence of the funeral director;
- (b) suspend the licence of the funeral director for a stated period;
- (c) impose such restrictions on the licence of the funeral director for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the funeral director, and if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum of \$5,000 to be paid by the funeral director to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that ^{Costs} the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the funeral director for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence (7) Where the Discipline Committee revokes, suspends or restricts a funeral director's licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct (8) Where the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee (9) Where the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the funeral director.

Continuation on expiry of Committee membership (10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation **14.—(1)** In this section,

(a) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(b) "incapacitated funeral director" means a funeral director suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the funeral director that he no longer be permitted to engage in the practice of a funeral director or that his practice be restricted.

Reference to board of inquiry (2) Where the Registrar receives information leading him to believe that a funeral director may be an incapacitated funeral director he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the funeral director, appoint a board of inquiry composed of at least two funeral directors and one member of the Board appointed under clause *b* of subsection 2 of section 2 who shall inquire into the matter.

(3) The board of inquiry shall make such inquiries as it ^{Examination} considers appropriate and may require the funeral director to submit to physical or mental examination by such qualified person as the board designates and if the funeral director refuses or fails to submit to such examination, the board may order that his licence as a funeral director be suspended until he complies.

(4) The board of inquiry shall report its findings to the ^{Hearing by} Executive Committee and deliver a copy thereof and a copy ^{Licensing} of any medical report obtained under subsection 3 to the ^{Committee} funeral director about whom the report is made and, if in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Licensing Committee to hold a hearing and may suspend the funeral director's licence until the determination of the question of his capacity becomes final.

(5) The Board, the person whose capacity is being in- ^{Parties} vestigated and any other person specified by the Licensing Committee are parties to the hearing.

(6) A legally qualified medical practitioner is not com- ^{Medical} pellable to produce at the hearing his case histories, notes ^{evidence} or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(a) where the evidence is required by the Board, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(7) The Licensing Committee shall, after the hearing,

^{Powers of}
^{Licensing}
^{Committee}

(a) make a finding as to whether or not the funeral director is an incapacitated funeral director; and

(b) where the funeral director is found to be an incapacitated funeral director by order,

(i) revoke his licence as a funeral director,

(ii) suspend his licence as a funeral director for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as a funeral director as the Committee considers appropriate.

Appeals

(8) Any party to the proceedings before the Licensing Committee under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Funeral Services Review Board

15.—(1) There is hereby established a board to be known as the Funeral Services Review Board.

Composition

(2) The Review Board shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Review Board to be chairman and one to be vice-chairman.

Disqualification

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of the governing body of a health discipline or who is or has been licensed under this Act or licensed or registered under any Act governing a health practice shall be a member of the Review Board.

Term

(4) The members of the first Review Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Review Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Review Board constitutes a quorum.

(7) The members of the Review Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(8) The Review Board may prescribe and adopt a seal. Seal

(9) Such employees as are necessary to carry out the duties of the Review Board under this Act shall be employed under *The Public Service Act*. Review Board employees
R.S.O. 1970, c. 386

16.—(1) The Review Board shall, Duties of Review Board

(a) conduct such hearings and perform such duties as are assigned to it by or under this Act; and

(b) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Review Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of, Expert advice

(a) the parties in the case of a hearing; or

(b) the complainant and the licensee complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

17.—(1) Where the Complaints Committee has made a disposition of a complaint respecting a funeral director in accordance with the provisions of this Act, the Registrar shall send to the funeral director and to the complainant by prepaid first class mail, a copy of the written decision made by the Complaints Committee including reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2. Complaints

(2) A complainant or the funeral director complained against who is not satisfied with the decision made by the Complaints Committee disposing of a complaint, except a decision to refer a matter to the Discipline Committee, may within twenty days of receipt of the written decision Review of complaints

request the Review Board to review the decision and the Review Board shall require the Registrar to transmit to the Review Board within fifteen days of the Review Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Review Board shall review the decision after giving the complainant an opportunity to state his complaint and the funeral director an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Review Board

18. Where a complaint respecting a funeral director has not been disposed of by the Complaints Committee within sixty days after the complaint is made, the Review Board upon application therefor may require the Complaints Committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Review Board by the Committee within sixty days after the Review Board's request, the Review Board shall undertake such investigation and possesses all the powers of investigation that the Complaints Committee or the Registrar has conferred upon it or him in this Act.

Powers of Review Board after review or investigation of complaint

19.—(1) The Review Board may after review or investigation of a complaint under section 17 or 18, refer the complaint to the Complaints Committee and the Review Board may,

- (a) confirm the decision, if any, made by the Complaints Committee;
- (b) make such recommendations to the Complaints Committee as the Review Board considers appropriate; or
- (c) require the Complaints Committee to take such action or proceedings as the Committee is authorized to undertake under this Act.

Review Board quorum

(2) A majority of the members of the Review Board constitute a quorum for purposes of investigation or review of a complaint or for a hearing.

Decision and reasons

(3) The Review Board shall give its decision and reasons therefor in writing to the complainant and the funeral director complained against.

Notice of proposal to refuse registration

20.—(1) Where the Licensing Committee proposes to refuse to grant a funeral director's licence to an applicant, or proposes to attach terms, conditions or limitations to a

licence, the Registrar on behalf of the Committee shall serve notice of the proposal of the Committee, together with written reasons therefor, on the applicant or licensee and a copy thereof to the Review Board.

(2) Subsection 1 does not apply to a refusal to grant a licence to a person who was previously licensed and whose licence was suspended or revoked as a result of a decision of the Discipline Committee. Exemptions

(3) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board or to a review by the Review Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Review Board requiring a hearing or such review by the Review Board, as he specifies. Notice requiring hearing or review

(4) Where an applicant or licensee does not require a hearing or review by the Review Board in accordance with subsection 3, the Review Board shall so notify the Licensing Committee and the Committee may carry out the proposal stated in its notice under subsection 1. Powers of Licensing Committee where hearing or review

(5) The findings of fact of the Review Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971, c. 47* 1971. Findings of fact

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 21 apply *mutatis mutandis* to proceedings before the Review Board under this section. Procedures on hearings

- (7) The Review Board shall, after the hearing or review, Powers of Review Board upon hearing or review
- (a) confirm the proposed decision of the Licensing Committee; or
 - (b) require the Licensing Committee to permit the applicant to take qualifying examinations or additional training as a condition for licensing, or both as specified by the Licensing Committee; or
 - (c) require the Licensing Committee to direct the Registrar to register the applicant on any appropriate register subject to such conditions as the Review Board considers appropriate in cases where the Review Board finds that the applicant meets the

requirements for licensing and that the Committee has exercised its powers improperly; or

- (d) refer the matter back to the Licensing Committee for further consideration and the Review Board may make such recommendations as it considers appropriate in the circumstances.

Parties

(8) The Licensing Committee and the applicant or licensee are parties to proceedings before the Review Board under this section.

Appeals

(9) Any party to proceedings before the Review Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Parties to discipline proceedings

21.—(1) In proceedings before the Discipline Committee, the Board and the funeral director whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A funeral director whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

**In camera
1971, c. 47**

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the

Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed;
or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost. Recording of evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971* nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. Evidence 1971, c. 47

(7) No member of the Discipline Committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

22.—(1) Any party to proceedings before the Discipline Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Board to take any action which the Committee or the Board may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

Restoration
of licence

23.—(1) A person whose licence as a funeral director has been revoked or suspended for cause under this Act, or whose licence or permit was suspended or cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence as a funeral director or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Reference to
Discipline
Committee or
Licensing
Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Licensing Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Board and to the former licensee.

Procedures

(3) The provisions of this Act applying to proceedings of the Review Board on hearings and review in respect of applications for registration, except subsection 9 of section 20 apply, *mutatis mutandis*, to proceedings of the Licensing Committee and Discipline Committee under this section.

Funeral
services
establish-
ment
licence

24.—(1) No person shall establish or maintain in any premises a funeral services establishment except under the authority of a licence issued to him in respect of the premises by the Registrar under this Act, and the Registrar may issue a licence for a funeral services establishment subject to such conditions as the Registrar may specify in the licence.

Issuance
of funeral
services
establish-
ment
licence

(2) Subject to subsection 3 and section 25, any person who applies in accordance with the regulations for a licence to establish and maintain in a specified premises a funeral services establishment and who meets the requirements of this Act and the regulations is entitled to be issued the licence in respect of the premises.

Idem.
corporations

(3) The Registrar shall not issue a funeral services establishment licence to a corporation unless at least one of the directors of the corporation is a funeral director.

Grounds
for
refusal
of funeral
services
establish-
ment
licence

25. Subject to section 28, the Registrar may refuse to issue a funeral services establishment licence where, in his opinion,

(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors

affords reasonable grounds for belief that the funeral services establishment will not be operated or maintained in accordance with the law and with honesty and integrity;

- (b) the proposed funeral services establishment or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location; or
- (c) the equipment and premises are not suitable for the providing of funeral services.

26. The Registrar may refuse to renew or may suspend or revoke a funeral services establishment licence,

Revocation
and
refusal
to renew

- (a) where any person has made a false statement in the application for the licence or a renewal thereof or in any certificate, report or other document or information that is signed by the licensee or a person authorized by the licensee and that is required to be furnished by this Act or the regulations or any other Act or regulation that applies to the funeral services establishment;
- (b) where there is a breach of a condition of the licence;
- (c) where the licensee does not comply with this Act or the regulations;
- (d) where a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a funeral services establishment licence under clause *a* of section 25; or
- (e) for any reason that would disentitle the licensee to the issuance of a licence under section 25.

27.—(1) Where the Registrar issues a funeral services establishment licence and the licensee is dissatisfied with the conditions thereof prescribed by the Registrar, he may by written notice given to the Registrar and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

Hearing
re terms
of
licence

Decision
of Review
Board

(2) Pursuant to a hearing under subsection 1, the Review Board may affirm the conditions prescribed for the licence by the Registrar or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Registrar as it considers proper and such conditions shall be conditions of the licence.

Proposal
to refuse
to issue
or renew
or to
revoke

28.—(1) Where the Registrar proposes to refuse to issue or renew or to revoke a funeral services establishment licence, the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee, as the case may be.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Registrar and the Review Board requiring a hearing by the Review Board and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where the applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Registrar may carry out the proposal stated in the notice under subsection 1.

Power of
Review
Board
where
hearing

(4) Where the applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing any may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Registrar.

Extension
of time
for
requiring
hearing

(5) The Review Board may extend the time for the giving of notice requiring a hearing by the applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continua-
tion of
licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the funeral services establishment licence, the licensee has applied for renewal

of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

29.—(1) The Registrar, the applicant or licensee who has Parties required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

(2) Notice of a hearing under section 27 or 28 shall Notice of hearing afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention, as the case may be, of the licence.

(3) Any party to proceedings under section 27 or 28 Examination of documentary evidence shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Review Board holding a hearing Members holding hearing not to have taken part in investigation, etc. shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Review Board at a Recording of evidence hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Review Board pursuant Findings of fact to a hearing shall be based exclusively on evidence admissible

1971, c. 47 or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

(7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

(9) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(11) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Registrar to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Licences
not
transferable

30.—(1) A funeral services establishment licence is not transferable.

Notice
of change

(2) Where the licensee is a corporation, the corporation shall notify the Registrar in writing within fifteen days of any change in the officers or directors of the corporation.

31.—(1) The Registrar may appoint in writing one or more persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments, and, in an appointment, may limit the authority of an inspector in such manner as the Registrar considers necessary or advisable. Appointment
of
inspectors

(2) The Registrar shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. Certificate
of
appointment

(3) An inspector may at any reasonable time enter upon the premises of a funeral services establishment to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. Inspection

(4) Where an inspector has reasonable grounds to believe that any premises are being used by any person as a funeral services establishment in respect of which there is not a valid licence issued under this Act, the inspector may at any reasonable time enter upon the premises other than a residence of such person to make an inspection for the purpose of determining whether or not the person is in contravention of subsection 1 of section 24. Idem

(5) Where the Registrar has reasonable grounds to believe that a funeral director has committed an act of professional misconduct or incompetence, the Registrar may by order direct an inspector to make an investigation to ascertain whether such an act has occurred and the inspector shall report the result of his investigation to the Registrar. Investigation

(6) For purposes relevant to the subject-matter of an investigation under this section, the inspector making the investigation may inquire into and examine the premises and practice of the funeral director in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the premises other than a residence of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the inspector has the powers of a commissioner under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of
inspector

1971, c. 49

Obstruction
of
inspector

(7) No person shall obstruct an inspector making an investigation or an inspection under this section or withhold from him or conceal or destroy any book, record, document or thing relevant to the subject-matter of the investigation or inspection.

Search
warrant

(8) Where a provincial judge is satisfied upon an *ex parte* application by the person making an investigation or an inspection under this section,

- (a) that the investigation has been ordered and that such person has been directed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation; or
- (b) that the inspector has reasonable ground for believing that it is necessary to enter any building, dwelling, receptacle or place to ensure that the provisions of this Act and the regulations are being complied with or to determine whether or not any premises are being used as a funeral services establishment in respect of which there is not a valid licence issued under this Act,

the provincial judge may, whether or not an investigation or inspection has been attempted under subsection 3, 4 or 6, issue an order authorizing the person making the investigation or inspection, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for the books, records, documents or things referred to in clause *a* or for any books, records, documents or things related to the subject-matter of an inspection for a purpose mentioned in clause *b* and to examine such books, records, documents or things, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation or inspection to make the search at night.

Removal
of books,
etc.

(9) An inspector making an investigation or inspection under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the person whose business is being investigated or inspected and to the subject-matter

of the investigation or inspection for the purpose of making copies of such books, records, documents or things, but such copying shall be carried out with reasonable dispatch and the books, records, documents or things in question shall be promptly thereafter returned to the person whose business is being investigated or inspected.

(10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation or inspection is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record, document or thing and its contents. Admissibility of copies

(11) The Registrar shall report the results of an investigation ordered under subsection 5 to the Board or the Executive Committee or to such other committee as he considers appropriate. Report of Registrar

32.—(1) Every person employed in the administration of this Act, including any person making an inquiry, investigation or inspection under section 31 and any member of the Board or a committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, investigation or inspection under section 31 and shall not communicate any such matters to any other person except, Matters confidential

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, investigation or inspection except in a proceeding under this Act or the regulations or by-laws. Testimony in civil suit

33.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Board may make regulations, Regulations

- (a) governing applications for licences and renewals of licences;
- (b) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;
- (c) providing for the expiration and renewal of funeral services establishment licences;
- (d) requiring the payment of annual fees by funeral directors and fees for the issuing of licences or any class thereof, for the renewals of licences or any class thereof, for the registration of students, and for examinations and continuing education, including penalties for late payment, and payment for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
- (e) prescribing the qualifications for and conditions of registration of students and governing in-service training for students;
- (f) providing for a program of continuing education of funeral directors to maintain their standard of competence and requiring funeral directors to participate in such continuing education;
- (g) respecting the duties and authority of the Registrar;
- (h) prohibiting the providing or the directing of the providing of funeral services where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
- (i) governing standards of practice for funeral directors and respecting the methods and materials that may be used for embalming;
- (j) defining professional misconduct for the purposes of this Act;
- (k) providing for the maintenance and inspection of registers of persons licensed to practice as funeral directors, of students and of persons licensed to establish and maintain funeral services establishments;

- (l) prescribing the records that shall be kept by funeral directors and by funeral services establishment licensees;
- (m) requiring and providing for the inspection and examination of the premises, records and equipment of funeral directors and funeral services establishments;
- (n) authorizing persons other than funeral directors to perform specified acts in the providing of funeral services under the supervision or direction of a funeral director;
- (o) providing for the compilation of statistical information on the supply, distribution and professional activities of funeral directors and funeral services establishments and requiring funeral directors and funeral services establishment licensees to provide the information necessary to compile such statistics;
- (p) respecting the reporting and publication of decisions in disciplinary matters;
- (q) prohibiting or governing the advertising of funeral services or funeral supplies and prohibiting or governing the display of funeral supplies to the public;
- (r) governing the construction, location, equipment, maintenance, hygienic practices and repair of and additions or alterations to funeral services establishments and governing the information, plans and materials that shall be furnished to the Registrar;
- (s) governing the equipment and hygienic practices for the transportation of dead human bodies;
- (t) regulating, controlling and prohibiting the use of terms, titles or designations by licensees under this Act in respect of their businesses or practices;
- (u) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standards of practice, qualifications and continuing education of licensees under this Act and reporting and making recommendations to the Board and to the Licensing Committee thereon;

- (v) prescribing forms and providing for their use;
- (w) providing for the exemption of any person from any provision of this Act or the regulations under such special circumstances in the public interest as the Board considers advisable and prescribing conditions that shall attach to such exemptions or to any such exemption;
- (x) prescribing the expenses and remuneration of members of the Board for the purpose of clause *a* of subsection 7 of section 2.

Regulations
by
Lieutenant
Governor in
Council

(2) Where the Minister requests in writing that the Board make, amend or revoke a regulation under subsection 1 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

By-laws

34.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

- (a) prescribing the seal of the Board;
- (b) providing for the execution of documents by the Board;
- (c) respecting banking and finance;
- (d) fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;
- (e) respecting the calling, holding and conducting of meetings of the Board and the duties of members of the Board;
- (f) respecting the calling, holding and conducting of meetings of licensees;
- (g) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;
- (h) delegating to the Executive Committee such powers and duties of the Board as are set out in the by-law,

other than the power to make, amend or revoke regulations and by-laws;

- (i) providing for a code of ethics;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the Board;
- (m) respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
- (n) providing for the entering into arrangements by the Board for licensees respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by licensees and exempting licensees or any class thereof from all or part of any such levy;
- (o) respecting membership of the Board in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;
- (p) respecting all of the things that are considered necessary for the efficient conduct of the affairs of the Board.

(2) A copy of the by-laws made under subsection 1 and amendments thereto, ^{Distribution of by-laws}

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each licensee; and
- (c) shall be available for public inspection in the office of the Board.

(3) At any time before or after receiving a copy of a by-law made under subsection 1 or an amendment thereto, the Minister may, by an order in writing, revoke or amend the by-law or amendment, but a by-law or amendment is effective until so revoked or amended and no act done or ^{Minister may revoke or amend by-laws}

right acquired under any such by-law before such revocation or amendment by the Minister is prejudicially affected by the revocation or amendment.

Restraining
orders

35.—(1) Where it appears to the Board that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Conditions
to funeral
director's
licence

36.—(1) It is a condition of every licence as a funeral director,

- (a) that the licensee not direct the operation of more than one funeral services establishment;
- (b) that the licence be posted in a conspicuous place in a part of the funeral services establishment that is open to the public where the funeral director provides or directs the providing of funeral services or funeral supplies to the public;
- (c) that the funeral director have his principal place of residence,
 - (i) in the same municipality as the funeral services establishment where the funeral director provides or directs the providing of funeral services or funeral supplies to the public, or
 - (ii) in sufficient proximity to such funeral services establishment that the funeral director is able to comply with the standards of practice provided for funeral directors by the regulations.

Conditions
to funeral
services
establish-
ment
licence

(2) It is a condition of every licence to establish, operate and maintain a funeral services establishment,

- (a) that the operation of the funeral services establishment be under the direction of a funeral director;

- (b) that where the funeral services establishment is operated under a name other than the name of the funeral director who is directing the operation of the establishment, the name of the funeral director shall be stated on all stationery of and in all advertisements by the establishment;
- (c) that the funeral services establishment licence be posted in a conspicuous place in a part of the establishment that is open to the public;
- (d) where the licensee is a corporation, that at least one of the directors of the corporation is a funeral director.

37. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a funeral director. Transportation of body out of Ontario

38.—(1) Every person who is in contravention of subsection 1 or 2 of section 5 or subsection 1 of section 24 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. Penalties

(2) Every person who, not being a licensee under this Act, uses an occupational designation prescribed or prohibited by the regulations to be used by licensees or any class of licensees under this Act or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000. Idem

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Idem

(4) Where a corporation is convicted of an offence under subsection 1, 2 or 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

(5) Where a corporation has been convicted of an offence under subsection 1, 2 or 3, Directors and officers

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Falsifica-
tion of
certificates

39.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence or a false certificate or document with respect to an entry in a register under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offences for
false
representa-
tion

(2) Any person who wilfully procures or attempts to procure himself to be licensed under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Onus of
proof
respecting
licensing

40. Where licensing under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so licensed under this Act rests upon the accused.

Limitation
for
malpractice
actions

41. No licensee under this Act is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

Service of
notice

42. Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

43. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Board is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal. Registrar's
certificate
as evidence

44. No action or other proceeding for damages shall be instituted against the Review Board, the Board, a committee of the Board or any member of the Review Board, the Board or committee, or any officers, employees, agents or appointees of the Review Board or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity
of Review
Board and
committees

45. *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

47. This Act may be cited as *The Funeral Services Act*, 1976. Short title

the [illegible] [illegible] [illegible]

The [illegible] [illegible] [illegible]



[illegible text]

The Funeral Services Act, 1976

1st Reading

November 26th, 1976

2nd Reading

3rd Reading

THE HON F. S. MULLER
Minister of Health

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Funeral Services Act, 1976

THE HON. F. S. MILLER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill is a revision of *The Embalmers and Funeral Directors Act*.
The principal provisions of the Bill are:

1. The Board of Funeral Services is established to regulate the practices of funeral directors and to regulate funeral services establishments.
2. The Board is to be composed of five funeral directors, one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, and three persons who are not licensees under this Act.
3. Provision is made for the licensing as funeral directors of persons who engage in providing funeral services or funeral supplies to the public, and for the licensing of funeral services establishments.
4. Provision is made for the investigation of complaints concerning and the discipline of funeral directors. The Funeral Services Review Board is established to review, on request, the disposition of complaints against funeral directors and to review or to hold hearings in respect of the licensing of funeral directors and funeral services establishments. Appeals from decisions of the Review Board may be taken to the Supreme Court in accordance with the rules of court.

The major subjects in the Bill may be located through the following table:

SUBJECT	SECTION	PAGE
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The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Funeral Services established under section 2;
- (b) "embalming" means the preservation of the dead human body, entire or in part, by any means, including the use of chemical substances, fluids or gases ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities;
- (c) "funeral director" means a person licensed under this Act to engage in providing or directing the providing of funeral services and funeral supplies to the public;
- (d) "funeral services" means the services usually provided by a funeral director;
- (e) "funeral services establishment" means a premises established or maintained for the purpose of providing funeral services or funeral supplies to the public;
- (f) "Minister" means the Minister of Health or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "Registrar" means the Registrar of the Board;
- (h) "regulations" means the regulations made under this Act;

- (i) "Review Board" means the Funeral Services Review Board established under section 15.

Board of
Funeral
Services
established

2.—(1) The Board of Funeral Services is established as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Act.

Composition

(2) The Board shall be composed of,

(a) five funeral directors, one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, appointed by the Lieutenant Governor in Council; and

(b) three persons who are not licensees under this Act and are appointed by the Lieutenant Governor in Council.

Term of
office

(3) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be re-appointed for further successive terms but shall not be appointed and reappointed for more than six successive years.

Vacancy

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(5) Three members of the Board, at least one of whom shall be a member appointed under clause *b* of subsection 2, constitute a quorum.

Officers

(6) The members of the Board shall appoint from among the members of the Board the chairman, the vice-chairman and the secretary-treasurer of the Board.

Expenses and
remuneration
of members
of Board

(7) The members of the Board,

(a) appointed under clause *a* of subsection 2, shall be paid by the Board such expenses and remuneration as are prescribed by the regulations; and

(b) appointed under clause *b* of subsection 2, shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

Annual
report

(8) The Board shall deliver to the Minister each year an annual report on the affairs of the Board and the Minister shall submit the report to the Lieutenant Governor in

Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(9) All assets and liabilities of the Board of Administration appointed under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, vest in and are binding upon the Board of Funeral Services. Transfer of assets and liabilities

(10) A reference in any Act, regulation, agreement or document to the Board of Administration shall be deemed to be a reference to the Board of Funeral Services. Amendment of references

3. The Board shall appoint a Registrar and may employ Staff such other officers and such clerks and other employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

4.—(1) The objects of the Board are, Objects of Board

- (a) to regulate the practices of funeral directors in accordance with this Act and the regulations;
- (b) to regulate funeral services establishments in accordance with this Act and the regulations;
- (c) to establish, maintain and develop standards of knowledge and skill among funeral directors;
- (d) to establish, maintain and develop standards of qualification and practice for the practice of funeral directors;
- (e) to establish, maintain and develop standards of qualification for funeral services establishments;
- (f) to establish, maintain and develop standards of professional ethics among funeral directors and funeral services establishment licensees;
- (g) to administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under this Act or the regulations or by any other Act,

in order that the public interest may be served and protected.

(2) The Board shall, Duties

(a) review the operation of this Act and the regulations and make recommendations to the Minister thereon;

(b) approve or set courses of study and examinations for the qualification of applicants for licences.

Funeral
director's
licence

5.—(1) No person shall engage in or hold himself out as engaging in providing funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act.

Embalming

(2) No person other than a funeral director shall perform embalming.

Proof of
performance

(3) For the purposes of subsection 1, proof of the performance of one act in providing funeral services or funeral supplies or both to the public on one occasion is sufficient to establish engaging in providing funeral services or funeral supplies or both to the public.

Exceptions

(4) Subsections 1 and 2 do not apply,

(a) to a student within a training program who is working under the supervision of a funeral director who is physically present;

(b) to a student who is enrolled in a recognized course of funeral services education; or

(c) in a sparsely settled area where a funeral director is not available.

Idem

(5) Subsection 2 does not apply to a student of, or a person employed in, a recognized school of medicine or anatomy.

Issuance
of licences

6.—(1) The Registrar shall issue a licence as a funeral director to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Board may set or approve, and the Registrar shall refer to the Licensing Committee every application for a licence as a funeral director that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and
duties of
Licencing
Committee

(2) The Licensing Committee,

(a) shall determine the eligibility of applicants for licences as funeral directors and may require an

applicant to take and pass such additional examinations as the Board may set or approve and pay such fee therefor as the Licensing Committee fixes or to take such additional training as the Licensing Committee specifies; and

- (b) may exempt an applicant for a licence as a funeral director from any licensing requirement.

(3) The Licensing Committee may direct the Registrar ^{Idem} to issue or refuse to issue licences as funeral directors subject to such terms, conditions and limitations as the Licensing Committee specifies.

(4) The Licensing Committee may review the qualifications ^{Review of qualifications} of any funeral director and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study, or continuing education as the Licensing Committee specifies.

(5) The Registrar shall maintain one or more registers ^{Registers of funeral directors} in which is entered every person who is licensed as a funeral director, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Licensing Committee or Discipline Committee directs.

(6) Every person who was licensed or who held a permit ^{Continuance of licences and permits} under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be licensed as a funeral director under this Act, subject to any condition or limitation to which the licence or permit was subject.

(7) The Registrar may cancel a licence as a funeral ^{Cancellation for default of fees} director for non-payment of any prescribed fee after giving the licensee at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Board in respect of any disciplinary action arising out of his professional conduct while a licensee.

7.—(1) The Board shall establish and appoint as herein ^{Establishment of committees} after provided the following committees,

- (a) Executive Committee;
- (b) Licensing Committee;

(c) Complaints Committee;

(d) Discipline Committee,

and may establish such other committees as the Board from time to time considers necessary.

Vacancies (2) Where one or more vacancies occur in the membership of the Board or any committee, the members remaining in office constitute the Board or the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee **8.**—(1) The Executive Committee shall be composed of three persons who are members of the Board of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

Quorum (2) Two members of the Executive Committee constitute a quorum.

Duties (3) The Executive Committee shall perform such functions of the Board as are delegated to it by the Board, the by-laws or this Act and, subject to ratification by the Board at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a regulation or by-law.

Licensing Committee **9.**—(1) The Licensing Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under clause *b* of subsection 2 of section 2.

Chairman (2) The Board shall name one member of the Licensing Committee to be chairman.

Quorum (3) A majority of the members of the Licensing Committee constitutes a quorum.

Complaints Committee **10.**—(1) The Complaints Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed to the Board under clause *b* of subsection 2 of section 2.

Idem (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman (3) The Board shall name one member of the Complaints Committee to be chairman.

(4) A majority of the members of the Complaints Committee constitutes a quorum.

11.—(1) The Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any funeral director, but no action shall be taken by the Committee under subsection 2 unless, ^{Duties}

- (a) a written complaint has been filed with the Registrar and the funeral director whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it receives may, ^{idem}

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 14; or
- (b) direct that the matter not be referred under clause *a*; or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 17 and, where the decision is made under clause *b* of subsection 2, its reasons therefor. ^{Decision and reasons}

12.—(1) The Discipline Committee shall be composed of three members of the Board, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2. ^{Discipline Committee}

(2) A majority of the members of the Discipline Committee, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2, constitutes a quorum and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee presiding at the hearing, but in the event of a tie vote the chairman shall have a second or casting vote. ^{Quorum and votes}

Chairman (3) The Board shall name one member of the Discipline Committee to be its chairman.

Disability of lay member (4) Where a quorum of the Discipline Committee commences a hearing and the member thereof appointed under clause *b* of subsection 2 of section 2 is unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Board or Executive Committee (5) Notwithstanding any other provision of this Act, the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a funeral director.

Duties of Discipline Committee **13.—**(1) The Discipline Committee shall,

- (a) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any funeral director;
- (b) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee pursuant to this Act; and
- (c) perform such other duties as are assigned to it by the Board.

Idem (2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the funeral director is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as herein-after provided in cases in which it finds the funeral director guilty of professional misconduct or of incompetence.

Professional misconduct (3) A funeral director may be found guilty of professional misconduct by the Committee if,

- (a) he has been found guilty of an offence relevant to his suitability to engage in the practice of a funeral director, upon proof of such conviction; or
- (b) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(4) The Discipline Committee may find a funeral director ^{Incompetence} to be incompetent if in its opinion he has displayed in the providing or in directing the providing of funeral services or funeral supplies or in performing or supervising the performing of an embalming, a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates he is unfit to continue in the practice of a funeral director.

(5) Where the Discipline Committee finds a funeral director ^{Powers of Discipline Committee} guilty of professional misconduct or incompetence, it may by order,

- (a) revoke the licence of the funeral director;
- (b) suspend the licence of the funeral director for a stated period;
- (c) impose such restrictions on the licence of the funeral director for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the funeral director, and if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum of \$5,000 to be paid by the funeral director to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that ^{Costs} the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the funeral director for his costs or such portion thereof as the Discipline Committee fixes.

Stay on
appeal for
incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a funeral director's licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on
appeal for
professional
misconduct

(8) Where the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of
decision of
Discipline
Committee

(9) Where the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the funeral director.

Continuation
on expiry of
Committee
membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpre-
tation

14.—(1) In this section,

(a) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(b) "incapacitated funeral director" means a funeral director suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the funeral director that he no longer be permitted to engage in the practice of a funeral director or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the Registrar receives information leading him to believe that a funeral director may be an incapacitated funeral director he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the funeral director, appoint a board of inquiry composed of at least two funeral directors and one member of the Board appointed under clause *b* of subsection 2 of section 2 who shall inquire into the matter.

(3) The board of inquiry shall make such inquiries as it ^{Examination} considers appropriate and may require the funeral director to submit to physical or mental examination by such qualified person as the board designates and if the funeral director refuses or fails to submit to such examination, the board may order that his licence as a funeral director be suspended until he complies.

(4) The board of inquiry shall report its findings to the ^{Hearing by} Executive Committee and deliver a copy thereof and a copy ^{Licensing} of any medical report obtained under subsection 3 to the ^{Committee} funeral director about whom the report is made and, if in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Licensing Committee to hold a hearing and may suspend the funeral director's licence until the determination of the question of his capacity becomes final.

(5) The Board, the person whose capacity is being in- ^{Parties} vestigated and any other person specified by the Licensing Committee are parties to the hearing.

(6) A legally qualified medical practitioner is not com- ^{Medical} pellable to produce at the hearing his case histories, notes ^{evidence} or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(a) where the evidence is required by the Board, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(7) The Licensing Committee shall, after the hearing, ^{Powers of}

(a) make a finding as to whether or not the funeral director is an incapacitated funeral director; and

(b) where the funeral director is found to be an incapacitated funeral director by order,

- (i) revoke his licence as a funeral director,
- (ii) suspend his licence as a funeral director for such period as the Committee considers appropriate, or
- (iii) attach such terms and conditions to the licence as a funeral director as the Committee considers appropriate.

Appeals

(8) Any party to the proceedings before the Licensing Committee under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

**Funeral
Services
Review
Board**

15.—(1) There is hereby established a board to be known as the Funeral Services Review Board.

Composition

(2) The Review Board shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Review Board to be chairman and one to be vice-chairman.

**Disquali-
fication**

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of the governing body of a health discipline or who is or has been licensed under this Act or licensed or registered under any Act governing a health practice shall be a member of the Review Board.

Term

(4) The members of the first Review Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Review Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Review Board constitutes a quorum.

(7) The members of the Review Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(8) The Review Board may prescribe and adopt a seal. Seal

(9) Such employees as are necessary to carry out the duties of the Review Board under this Act shall be employed under *The Public Service Act*. Review Board employees
R.S.O. 1970,
c. 386

16.—(1) The Review Board shall, Duties of Review Board

(a) conduct such hearings and perform such duties as are assigned to it by or under this Act; and

(b) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Review Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of, Expert advice

(a) the parties in the case of a hearing; or

(b) the complainant and the licensee complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

17.—(1) Where the Complaints Committee has made a disposition of a complaint respecting a funeral director in accordance with the provisions of this Act, the Registrar shall send to the funeral director and to the complainant by prepaid first class mail, a copy of the written decision made by the Complaints Committee including reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2. Complaints

(2) A complainant or the funeral director complained against who is not satisfied with the decision made by the Complaints Committee disposing of a complaint, except a decision to refer a matter to the Discipline Committee, may within twenty days of receipt of the written decision Review of complaints

request the Review Board to review the decision and the Review Board shall require the Registrar to transmit to the Review Board within fifteen days of the Review Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Review Board shall review the decision after giving the complainant an opportunity to state his complaint and the funeral director an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Review Board

18. Where a complaint respecting a funeral director has not been disposed of by the Complaints Committee within sixty days after the complaint is made, the Review Board upon application therefor may require the Complaints Committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Review Board by the Committee within sixty days after the Review Board's request, the Review Board shall undertake such investigation and possesses all the powers of investigation that the Complaints Committee or the Registrar has conferred upon it or him in this Act.

Powers of Review Board after review or investigation of complaint

19.—(1) The Review Board may after review or investigation of a complaint under section 17 or 18, refer the complaint to the Complaints Committee and the Review Board may,

- (a) confirm the decision, if any, made by the Complaints Committee;
- (b) make such recommendations to the Complaints Committee as the Review Board considers appropriate; or
- (c) require the Complaints Committee to take such action or proceedings as the Committee is authorized to undertake under this Act.

Review Board quorum

(2) A majority of the members of the Review Board constitute a quorum for purposes of investigation or review of a complaint or for a hearing.

Decision and reasons

(3) The Review Board shall give its decision and reasons therefor in writing to the complainant and the funeral director complained against.

Notice of proposal to refuse registration

20.—(1) Where the Licensing Committee proposes to refuse to grant a funeral director's licence to an applicant, or proposes to attach terms, conditions or limitations to a

licence, the Registrar on behalf of the Committee shall serve notice of the proposal of the Committee, together with written reasons therefor, on the applicant or licensee and a copy thereof to the Review Board.

(2) Subsection 1 does not apply to a refusal to grant a licence to a person who was previously licensed and whose licence was suspended or revoked as a result of a decision of the Discipline Committee. Exemptions

(3) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board or to a review by the Review Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Review Board requiring a hearing or such review by the Review Board, as he specifies. Notice requiring hearing or review

(4) Where an applicant or licensee does not require a hearing or review by the Review Board in accordance with subsection 3, the Review Board shall so notify the Licensing Committee and the Committee may carry out the proposal stated in its notice under subsection 1. Powers of Licensing Committee where hearing or review

(5) The findings of fact of the Review Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. 47 Findings of fact
1971.

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 21 apply *mutatis mutandis* to proceedings before the Review Board under this section. Procedures on hearings

(7) The Review Board shall, after the hearing or review, Powers of Review Board upon hearing or review

(a) confirm the proposed decision of the Licensing Committee; or

(b) require the Licensing Committee to permit the applicant to take qualifying examinations or additional training as a condition for licensing, or both as specified by the Licensing Committee; or

(c) require the Licensing Committee to direct the Registrar to register the applicant on any appropriate register subject to such conditions as the Review Board considers appropriate in cases where the Review Board finds that the applicant meets the

requirements for licensing and that the Committee has exercised its powers improperly; or

- (d) refer the matter back to the Licensing Committee for further consideration and the Review Board may make such recommendations as it considers appropriate in the circumstances.

Parties (8) The Licensing Committee and the applicant or licensee are parties to proceedings before the Review Board under this section.

Appeals (9) Any party to proceedings before the Review Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Parties to discipline proceedings **21.**—(1) In proceedings before the Discipline Committee, the Board and the funeral director whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence (2) A funeral director whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc. (3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera
1971, c. 47 (4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the

Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed;
or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost. Recording of evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971* nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. Evidence 1971, c. 47

(7) No member of the Discipline Committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

22.—(1) Any party to proceedings before the Discipline Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Board to take any action which the Committee or the Board may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

Restoration
of licence

23.—(1) A person whose licence as a funeral director has been revoked or suspended for cause under this Act, or whose licence or permit was suspended or cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence as a funeral director or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Reference to
Discipline
Committee or
Licensing
Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Licensing Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Board and to the former licensee.

Procedures

(3) The provisions of this Act applying to proceedings of the Review Board on hearings and review in respect of applications for registration, except subsection 9 of section 20 apply, *mutatis mutandis*, to proceedings of the Licensing Committee and Discipline Committee under this section.

Funeral
services
establish-
ment
licence

24.—(1) No person shall establish or maintain in any premises a funeral services establishment except under the authority of a licence issued to him in respect of the premises by the Registrar under this Act, and the Registrar may issue a licence for a funeral services establishment subject to such conditions as the Registrar may specify in the licence.

Issuance
of funeral
services
establish-
ment
licence

(2) Subject to subsection 3 and section 25, any person who applies in accordance with the regulations for a licence to establish and maintain in a specified premises a funeral services establishment and who meets the requirements of this Act and the regulations is entitled to be issued the licence in respect of the premises.

Idem.
corporations

(3) The Registrar shall not issue a funeral services establishment licence to a corporation unless,

(a) each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario; and

(b) at least one of the directors of the corporation is a funeral director.

Grounds
for
refusal
of funeral
services
establish-
ment
licence

25. Subject to section 28, the Registrar may refuse to issue a funeral services establishment licence where, in his opinion,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the funeral services establishment will not be operated or maintained in accordance with the law and with honesty and integrity;
- (b) the proposed funeral services establishment or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location; or
- (c) the equipment and premises are not suitable for the providing of funeral services.

26. The Registrar may refuse to renew or may suspend or revoke a funeral services establishment licence,

Revocation
and
refusal
to renew

- (a) where any person has made a false statement in the application for the licence or a renewal thereof or in any certificate, report or other document or information that is signed by the licensee or a person authorized by the licensee and that is required to be furnished by this Act or the regulations or any other Act or regulation that applies to the funeral services establishment;
- (b) where there is a breach of a condition of the licence;
- (c) where the licensee does not comply with this Act or the regulations;
- (d) where a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a funeral services establishment licence under clause *a* of section 25; or
- (e) for any reason that would disentitle the licensee to the issuance of a licence under section 25.

27.—(1) Where the Registrar issues a funeral services establishment licence and the licensee is dissatisfied with the conditions thereof prescribed by the Registrar, he may by written notice given to the Registrar and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

Hearing
re terms
of
licence

Decision
of Review
Board

(2) Pursuant to a hearing under subsection 1, the Review Board may affirm the conditions prescribed for the licence by the Registrar or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Registrar as it considers proper and such conditions shall be conditions of the licence.

Proposal
to refuse
to issue
or renew
or to
revoke

28.—(1) Where the Registrar proposes to refuse to issue or renew or to revoke a funeral services establishment licence, the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee, as the case may be.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Registrar and the Review Board requiring a hearing by the Review Board and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where the applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Registrar may carry out the proposal stated in the notice under subsection 1.

Power of
Review
Board
where
hearing

(4) Where the applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing any may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Registrar.

Extension
of time
for
requiring
hearing

(5) The Review Board may extend the time for the giving of notice requiring a hearing by the applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continua-
tion of
licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the funeral services establishment licence, the licensee has applied for renewal

of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

29.—(1) The Registrar, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

(2) Notice of a hearing under section 27 or 28 shall ^{Notice of hearing} afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention, as the case may be, of the licence.

(3) Any party to proceedings under section 27 or 28 shall be afforded an opportunity to examine before the ^{Examination of documentary evidence} hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any ^{Members holding hearing not to have taken part in investigation, etc.} investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Review Board at a ^{Recording of evidence} hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Review Board pursuant ^{Findings of fact} to a hearing shall be based exclusively on evidence admissible

1971. c. 47 or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

(7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

(9) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(11) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Registrar to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Licences
not
transferable

30.—(1) A funeral services establishment licence is not transferable.

Notice
of change

(2) Where the licensee is a corporation, the corporation shall notify the Registrar in writing within fifteen days of any change in the officers or directors of the corporation.

31.—(1) The Registrar may appoint in writing one or more persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments, and, in an appointment, may limit the authority of an inspector in such manner as the Registrar considers necessary or advisable. Appointment
of
inspectors

(2) The Registrar shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. Certificate
of
appointment

(3) An inspector may at any reasonable time enter upon the premises of a funeral services establishment to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. Inspection

(4) Where an inspector has reasonable grounds to believe that any premises are being used by any person as a funeral services establishment in respect of which there is not a valid licence issued under this Act, the inspector may at any reasonable time enter upon the premises other than a residence of such person to make an inspection for the purpose of determining whether or not the person is in contravention of subsection 1 of section 24. Idem

(5) Where the Registrar has reasonable grounds to believe that a funeral director has committed an act of professional misconduct or incompetence, the Registrar may by order direct an inspector to make an investigation to ascertain whether such an act has occurred and the inspector shall report the result of his investigation to the Registrar. Investigation

(6) For purposes relevant to the subject-matter of an investigation under this section, the inspector making the investigation may inquire into and examine the premises and practice of the funeral director in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the premises other than a residence of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of
inspector 1971. c. 49

Obstruction
of
inspector

(7) No person shall obstruct an inspector making an investigation or an inspection under this section or withhold from him or conceal or destroy any book, record, document or thing relevant to the subject-matter of the investigation or inspection.

Search
warrant

(8) Where a provincial judge is satisfied upon an *ex parte* application by the person making an investigation or an inspection under this section,

- (a) that the investigation has been ordered and that such person has been directed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation; or
- (b) that the inspector has reasonable ground for believing that it is necessary to enter any building, dwelling, receptacle or place to ensure that the provisions of this Act and the regulations are being complied with or to determine whether or not any premises are being used as a funeral services establishment in respect of which there is not a valid licence issued under this Act,

the provincial judge may, whether or not an investigation or inspection has been attempted under subsection 3, 4 or 6, issue an order authorizing the person making the investigation or inspection, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for the books, records, documents or things referred to in clause *a* or for any books, records, documents or things related to the subject-matter of an inspection for a purpose mentioned in clause *b* and to examine such books, records, documents or things, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation or inspection to make the search at night.

Removal
of books,
etc.

(9) An inspector making an investigation or inspection under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the person whose business is being investigated or inspected and to the subject-matter

of the investigation or inspection for the purpose of making copies of such books, records, documents or things, but such copying shall be carried out with reasonable dispatch and the books, records, documents or things in question shall be promptly thereafter returned to the person whose business is being investigated or inspected.

(10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation or inspection is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record, document or thing and its contents. Admissibility
of copies

(11) The Registrar shall report the results of an investigation ordered under subsection 5 to the Board or the Executive Committee or to such other committee as he considers appropriate. Report of
Registrar

32.—(1) Every person employed in the administration of this Act, including any person making an inquiry, investigation or inspection under section 31 and any member of the Board or a committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, investigation or inspection under section 31 and shall not communicate any such matters to any other person except, Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, investigation or inspection except in a proceeding under this Act or the regulations or by-laws. Testimony
in civil
suit

33.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Board may make regulations, Regulations

- (a) governing applications for licences and renewals of licences;
- (b) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;
- (c) providing for the expiration and renewal of funeral services establishment licences;
- (d) requiring the payment of annual fees by funeral directors and fees for the issuing of licences or any class thereof, for the renewals of licences or any class thereof, for the registration of students, and for examinations and continuing education, including penalties for late payment, and payment for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
- (e) prescribing the qualifications for and conditions of registration of students and governing in-service training for students;
- (f) providing for a program of continuing education of funeral directors to maintain their standard of competence and requiring funeral directors to participate in such continuing education;
- (g) respecting the duties and authority of the Registrar;
- (h) prohibiting the providing or the directing of the providing of funeral services where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
- (i) governing standards of practice for funeral directors and respecting the methods and materials that may be used for embalming;
- (j) defining professional misconduct for the purposes of this Act;
- (k) providing for the maintenance and inspection of registers of persons licensed to practice as funeral directors, of students and of persons licensed to establish and maintain funeral services establishments;

- (l) prescribing the records that shall be kept by funeral directors and by funeral services establishment licensees;
- (m) requiring and providing for the inspection and examination of the premises, records and equipment of funeral directors and funeral services establishments;
- (n) authorizing persons other than funeral directors to perform specified acts in the providing of funeral services under the supervision or direction of a funeral director;
- (o) providing for the compilation of statistical information on the supply, distribution and professional activities of funeral directors and funeral services establishments and requiring funeral directors and funeral services establishment licensees to provide the information necessary to compile such statistics;
- (p) respecting the reporting and publication of decisions in disciplinary matters;
- (q) prohibiting or governing the advertising of funeral services or funeral supplies and prohibiting or governing the display of funeral supplies to the public;
- (r) governing the construction, location, equipment, maintenance, hygienic practices and repair of and additions or alterations to funeral services establishments and governing the information, plans and materials that shall be furnished to the Registrar;
- (s) governing the equipment and hygienic practices for the transportation of dead human bodies;
- (t) regulating, controlling and prohibiting the use of terms, titles or designations by licensees under this Act in respect of their businesses or practices;
- (u) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standards of practice, qualifications and continuing education of licensees under this Act and reporting and making recommendations to the Board and to the Licensing Committee thereon;

- (v) prescribing forms and providing for their use;
- (w) providing for the exemption of any person from any provision of this Act or the regulations under such special circumstances in the public interest as the Board considers advisable and prescribing conditions that shall attach to such exemptions or to any such exemption;
- (x) prescribing the expenses and remuneration of members of the Board for the purpose of clause *a* of subsection 7 of section 2.

Regulations
by
Lieutenant
Governor in
Council

(2) Where the Minister requests in writing that the Board make, amend or revoke a regulation under subsection 1 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

By-laws

34.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

- (a) prescribing the seal of the Board;
- (b) providing for the execution of documents by the Board;
- (c) respecting banking and finance;
- (d) fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;
- (e) respecting the calling, holding and conducting of meetings of the Board and the duties of members of the Board;
- (f) respecting the calling, holding and conducting of meetings of licensees;
- (g) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;
- (h) delegating to the Executive Committee such powers and duties of the Board as are set out in the by-law,

other than the power to make, amend or revoke regulations and by-laws;

- (i) providing for a code of ethics;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the Board;
- (m) respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
- (n) providing for the entering into arrangements by the Board for licensees respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by licensees and exempting licensees or any class thereof from all or part of any such levy;
- (o) respecting membership of the Board in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;
- (p) respecting all of the things that are considered necessary for the efficient conduct of the affairs of the Board.

(2) A copy of the by-laws made under subsection 1 and amendments thereto, Distribution
of by-laws

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each licensee; and
- (c) shall be available for public inspection in the office of the Board.

(3) At any time before or after receiving a copy of a by-law made under subsection 1 or an amendment thereto, the Minister may, by an order in writing, revoke or amend the by-law or amendment, but a by-law or amendment is effective until so revoked or amended and no act done or Minister
may revoke
or amend
by-laws

right acquired under any such by-law before such revocation or amendment by the Minister is prejudicially affected by the revocation or amendment.

**Restraining
orders**

35.—(1) Where it appears to the Board that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**Conditions
to funeral
director's
licence**

36.—(1) It is a condition of every licence as a funeral director,

- (a) that the licensee not direct the operation of more than one funeral services establishment;
- (b) that the licence be posted in a conspicuous place in a part of the funeral services establishment that is open to the public where the funeral director provides or directs the providing of funeral services or funeral supplies to the public;
- (c) that the funeral director have his principal place of residence,
 - (i) in the same municipality as the funeral services establishment where the funeral director provides or directs the providing of funeral services or funeral supplies to the public, or
 - (ii) in sufficient proximity to such funeral services establishment that the funeral director is able to comply with the standards of practice provided for funeral directors by the regulations.


**Conditions
to funeral
services
establish-
ment
licence**

(2) It is a condition of every licence to establish, operate and maintain a funeral services establishment,


- (a) that the operation of the funeral services establishment be under the direction of a funeral director;

(b) that where the funeral services establishment is operated under a name other than the name of the funeral director who is directing the operation of the establishment, the name of the funeral director shall be stated on all stationery of and in all advertisements by the establishment;

(c) that the funeral services establishment licence be posted in a conspicuous place in a part of the establishment that is open to the public;

 (d) where the licensee is a corporation,

(i) that each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario, and

(ii) that at least one of the directors of the corporation is a funeral director. 

37. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a funeral director. Transportation of body out of Ontario

38.—(1) Every person who is in contravention of subsection 1 or 2 of section 5 or subsection 1 of section 24 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. Penalties

(2) Every person who, not being a licensee under this Act, Idem uses an occupational designation prescribed or prohibited by the regulations to be used by licensees or any class of licensees under this Act or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Idem

(4) Where a corporation is convicted of an offence under subsection 1, 2 or 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

Directors
and
officers

(5) Where a corporation has been convicted of an offence under subsection 1, 2 or 3,

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Falsifica-
tion of
certificates

39.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence or a false certificate or document with respect to an entry in a register under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offences for
false
representa-
tion

(2) Any person who wilfully procures or attempts to procure himself to be licensed under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Onus of
proof
respecting
licensing

40. Where licensing under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so licensed under this Act rests upon the accused.

Limitation
for
malpractice
actions

41. No licensee under this Act is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

Service of
notice

42. Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes

that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

43. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Board is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal. Registrar's certificate as evidence

44. No action or other proceeding for damages shall be instituted against the Review Board, the Board, a committee of the Board or any member of the Review Board, the Board or committee, or any officers, employees, agents or appointees of the Review Board or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity of Review Board and committees

45. *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

47. This Act may be cited as *The Funeral Services Act*, 1976. Short title





The Funeral Services Act, 1976

1st Reading

November 26th, 1976

2nd Reading

December 7th, 1976

3rd Reading

THE HON F. S. MILLER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 171

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Funeral Services Act, 1976

THE HON. F. S. MILLER
Minister of Health

TORONTO

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The major subjects in the Bill may be located through the following table:

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BILL 171

1976

The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Funeral Services established under section 2;
- (b) "embalming" means the preservation of the dead human body, entire or in part, by any means, including the use of chemical substances, fluids or gases ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities;
- (c) "funeral director" means a person licensed under this Act to engage in providing or directing the providing of funeral services and funeral supplies to the public;
- (d) "funeral services" means the services usually provided by a funeral director;
- (e) "funeral services establishment" means a premises established or maintained for the purpose of providing funeral services or funeral supplies to the public;
- (f) "Minister" means the Minister of Health or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "Registrar" means the Registrar of the Board;
- (h) "regulations" means the regulations made under this Act;

- (i) "Review Board" means the Funeral Services Review Board established under section 15.

Board of
Funeral
Services
established

2.—(1) The Board of Funeral Services is established as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Act.

Composition

(2) The Board shall be composed of,

- (a) five funeral directors, one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, appointed by the Lieutenant Governor in Council; and
- (b) three persons who are not licensees under this Act and are appointed by the Lieutenant Governor in Council.

Term of
office

(3) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be re-appointed for further successive terms but shall not be appointed and reappointed for more than six successive years.

Vacancy

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(5) Three members of the Board, at least one of whom shall be a member appointed under clause *b* of subsection 2, constitute a quorum.

Officers

(6) The members of the Board shall appoint from among the members of the Board the chairman, the vice-chairman and the secretary-treasurer of the Board.

Expenses and
remuneration
of members
of Board

(7) The members of the Board,

- (a) appointed under clause *a* of subsection 2, shall be paid by the Board such expenses and remuneration as are prescribed by the regulations; and
- (b) appointed under clause *b* of subsection 2, shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

Annual
report

(8) The Board shall deliver to the Minister each year an annual report on the affairs of the Board and the Minister shall submit the report to the Lieutenant Governor in

Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(9) All assets and liabilities of the Board of Administration appointed under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, vest in and are binding upon the Board of Funeral Services. Transfer of assets and liabilities

(10) A reference in any Act, regulation, agreement or document to the Board of Administration shall be deemed to be a reference to the Board of Funeral Services. Amendment of references

3. The Board shall appoint a Registrar and may employ Staff such other officers and such clerks and other employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

4.—(1) The objects of the Board are, Objects of Board

- (a) to regulate the practices of funeral directors in accordance with this Act and the regulations;
- (b) to regulate funeral services establishments in accordance with this Act and the regulations;
- (c) to establish, maintain and develop standards of knowledge and skill among funeral directors;
- (d) to establish, maintain and develop standards of qualification and practice for the practice of funeral directors;
- (e) to establish, maintain and develop standards of qualification for funeral services establishments;
- (f) to establish, maintain and develop standards of professional ethics among funeral directors and funeral services establishment licensees;
- (g) to administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under this Act or the regulations or by any other Act,

in order that the public interest may be served and protected.

(2) The Board shall, Duties

- (a) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (b) approve or set courses of study and examinations for the qualification of applicants for licences.

**Funeral
director's
licence**

5.—(1) No person shall engage in or hold himself out as engaging in providing funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act.

Embalming

(2) No person other than a funeral director shall perform embalming.

**Proof of
performance**

(3) For the purposes of subsection 1, proof of the performance of one act in providing funeral services or funeral supplies or both to the public on one occasion is sufficient to establish engaging in providing funeral services or funeral supplies or both to the public.

Exceptions

(4) Subsections 1 and 2 do not apply,

- (a) to a student within a training program who is working under the supervision of a funeral director who is physically present;
- (b) to a student who is enrolled in a recognized course of funeral services education; or
- (c) in a sparsely settled area where a funeral director is not available.

Idem

(5) Subsection 2 does not apply to a student of, or a person employed in, a recognized school of medicine or anatomy.

**Issuance
of licences**

6.—(1) The Registrar shall issue a licence as a funeral director to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Board may set or approve, and the Registrar shall refer to the Licensing Committee every application for a licence as a funeral director that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

**Powers and
duties of
Licensing
Committee**

(2) The Licensing Committee,

- (a) shall determine the eligibility of applicants for licences as funeral directors and may require an

applicant to take and pass such additional examinations as the Board may set or approve and pay such fee therefor as the Licensing Committee fixes or to take such additional training as the Licensing Committee specifies; and

- (b) may exempt an applicant for a licence as a funeral director from any licensing requirement.

(3) The Licensing Committee may direct the Registrar ^{idem} to issue or refuse to issue licences as funeral directors subject to such terms, conditions and limitations as the Licensing Committee specifies.

(4) The Licensing Committee may review the qualifications ^{Review of qualifications} of any funeral director and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study, or continuing education as the Licensing Committee specifies.

(5) The Registrar shall maintain one or more registers ^{Registers of funeral directors} in which is entered every person who is licensed as a funeral director, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Licensing Committee or Discipline Committee directs.

(6) Every person who was licensed or who held a permit ^{Continuance of licences and permits} under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be licensed as a funeral director under this Act, subject to any condition or limitation to which the licence or permit was subject.

(7) The Registrar may cancel a licence as a funeral director for non-payment of any prescribed fee after giving ^{Cancellation for default of fees} the licensee at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Board in respect of any disciplinary action arising out of his professional conduct while a licensee.

7.—(1) The Board shall establish and appoint as herein- ^{Establishment of committees} after provided the following committees,

(a) Executive Committee;

(b) Licensing Committee;

(c) Complaints Committee;

(d) Discipline Committee,

and may establish such other committees as the Board from time to time considers necessary.

Vacancies (2) Where one or more vacancies occur in the membership of the Board or any committee, the members remaining in office constitute the Board or the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee **8.**—(1) The Executive Committee shall be composed of three persons who are members of the Board of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

Quorum (2) Two members of the Executive Committee constitute a quorum.

Duties (3) The Executive Committee shall perform such functions of the Board as are delegated to it by the Board, the by-laws or this Act and, subject to ratification by the Board at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a regulation or by-law.

Licensing Committee **9.**—(1) The Licensing Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under clause *b* of subsection 2 of section 2.

Chairman (2) The Board shall name one member of the Licensing Committee to be chairman.

Quorum (3) A majority of the members of the Licensing Committee constitutes a quorum.

Complaints Committee **10.**—(1) The Complaints Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed to the Board under clause *b* of subsection 2 of section 2.

Idem (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman (3) The Board shall name one member of the Complaints Committee to be chairman.

(4) A majority of the members of the Complaints Committee constitutes a quorum.

11.—(1) The Complaints Committee shall consider and ^{Duties} investigate complaints regarding the conduct or actions of any funeral director, but no action shall be taken by the Committee under subsection 2 unless,

- (a) a written complaint has been filed with the Registrar and the funeral director whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 14; or
- (b) direct that the matter not be referred under clause *a*; or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 17 and, where the ^{Decision and reasons} decision is made under clause *b* of subsection 2, its reasons therefor.

12.—(1) The Discipline Committee shall be composed of ^{Discipline Committee} three members of the Board, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

(2) A majority of the members of the Discipline Committee, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2, constitutes a ^{Quorum and votes} quorum and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee presiding at the hearing, but in the event of a tie vote the chairman shall have a second or casting vote.

Chairman (3) The Board shall name one member of the Discipline Committee to be its chairman.

Disability of lay member (4) Where a quorum of the Discipline Committee commences a hearing and the member thereof appointed under clause *b* of subsection 2 of section 2 is unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Board or Executive Committee (5) Notwithstanding any other provision of this Act, the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a funeral director.

Duties of Discipline Committee **13.—**(1) The Discipline Committee shall,

- (a) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any funeral director;
- (b) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee pursuant to this Act; and
- (c) perform such other duties as are assigned to it by the Board.

Idem (2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the funeral director is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the funeral director guilty of professional misconduct or of incompetence.

Professional misconduct (3) A funeral director may be found guilty of professional misconduct by the Committee if,

- (a) he has been found guilty of an offence relevant to his suitability to engage in the practice of a funeral director, upon proof of such conviction; or
- (b) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(4) The Discipline Committee may find a funeral director ^{Incompetence} to be incompetent if in its opinion he has displayed in the providing or in directing the providing of funeral services or funeral supplies or in performing or supervising the performing of an embalming, a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates he is unfit to continue in the practice of a funeral director.

(5) Where the Discipline Committee finds a funeral director ^{Powers of Discipline Committee} guilty of professional misconduct or incompetence, it may by order,

- (a) revoke the licence of the funeral director;
- (b) suspend the licence of the funeral director for a stated period;
- (c) impose such restrictions on the licence of the funeral director for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the funeral director, and if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum of \$5,000 to be paid by the funeral director to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that ^{Costs} the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the funeral director for his costs or such portion thereof as the Discipline Committee fixes.

Stay on
appeal for
incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a funeral director's licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on
appeal for
professional
misconduct

(8) Where the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of
decision of
Discipline
Committee

(9) Where the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the funeral director.

Continuation
on expiry of
Committee
membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpre-
tation

14.—(1) In this section,

(a) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(b) "incapacitated funeral director" means a funeral director suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the funeral director that he no longer be permitted to engage in the practice of a funeral director or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the Registrar receives information leading him to believe that a funeral director may be an incapacitated funeral director he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the funeral director, appoint a board of inquiry composed of at least two funeral directors and one member of the Board appointed under clause *b* of subsection 2 of section 2 who shall inquire into the matter.

(3) The board of inquiry shall make such inquiries as it ^{Examination} considers appropriate and may require the funeral director to submit to physical or mental examination by such qualified person as the board designates and if the funeral director refuses or fails to submit to such examination, the board may order that his licence as a funeral director be suspended until he complies.

(4) The board of inquiry shall report its findings to the ^{Hearing by} Executive Committee and deliver a copy thereof and a copy ^{Licensing} of any medical report obtained under subsection 3 to the ^{Committee} funeral director about whom the report is made and, if in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Licensing Committee to hold a hearing and may suspend the funeral director's licence until the determination of the question of his capacity becomes final.

(5) The Board, the person whose capacity is being in- ^{Parties} vestigated and any other person specified by the Licensing Committee are parties to the hearing.

(6) A legally qualified medical practitioner is not com- ^{Medical} pellable to produce at the hearing his case histories, notes ^{evidence} or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(a) where the evidence is required by the Board, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(7) The Licensing Committee shall, after the hearing,

^{Powers of}
^{Licensing}
^{Committee}

(a) make a finding as to whether or not the funeral director is an incapacitated funeral director; and

(b) where the funeral director is found to be an incapacitated funeral director by order,

- (i) revoke his licence as a funeral director,
- (ii) suspend his licence as a funeral director for such period as the Committee considers appropriate, or
- (iii) attach such terms and conditions to the licence as a funeral director as the Committee considers appropriate.

Appeals

(8) Any party to the proceedings before the Licensing Committee under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

**Funeral
Services
Review
Board**

15.—(1) There is hereby established a board to be known as the Funeral Services Review Board.

Composition

(2) The Review Board shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Review Board to be chairman and one to be vice-chairman.

**Disquali-
fication**

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of the governing body of a health discipline or who is or has been licensed under this Act or licensed or registered under any Act governing a health practice shall be a member of the Review Board.

Term

(4) The members of the first Review Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Review Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Review Board constitutes a quorum.

(7) The members of the Review Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(8) The Review Board may prescribe and adopt a seal. Seal

(9) Such employees as are necessary to carry out the duties of the Review Board under this Act shall be employed under *The Public Service Act*. Review Board employees
R.S.O. 1970, c. 386

16.—(1) The Review Board shall, Duties of Review Board

(a) conduct such hearings and perform such duties as are assigned to it by or under this Act; and

(b) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Review Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of, Expert advice

(a) the parties in the case of a hearing; or

(b) the complainant and the licensee complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

17.—(1) Where the Complaints Committee has made a disposition of a complaint respecting a funeral director in accordance with the provisions of this Act, the Registrar shall send to the funeral director and to the complainant by prepaid first class mail, a copy of the written decision made by the Complaints Committee including reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2. Complaints

(2) A complainant or the funeral director complained against who is not satisfied with the decision made by the Complaints Committee disposing of a complaint, except a decision to refer a matter to the Discipline Committee, may within twenty days of receipt of the written decision Review of complaints

request the Review Board to review the decision and the Review Board shall require the Registrar to transmit to the Review Board within fifteen days of the Review Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Review Board shall review the decision after giving the complainant an opportunity to state his complaint and the funeral director an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Review Board

18. Where a complaint respecting a funeral director has not been disposed of by the Complaints Committee within sixty days after the complaint is made, the Review Board upon application therefor may require the Complaints Committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Review Board by the Committee within sixty days after the Review Board's request, the Review Board shall undertake such investigation and possesses all the powers of investigation that the Complaints Committee or the Registrar has conferred upon it or him in this Act.

Powers of Review Board after review or investigation of complaint

19.—(1) The Review Board may after review or investigation of a complaint under section 17 or 18, refer the complaint to the Complaints Committee and the Review Board may,

- (a) confirm the decision, if any, made by the Complaints Committee;
- (b) make such recommendations to the Complaints Committee as the Review Board considers appropriate; or
- (c) require the Complaints Committee to take such action or proceedings as the Committee is authorized to undertake under this Act.

Review Board quorum

(2) A majority of the members of the Review Board constitute a quorum for purposes of investigation or review of a complaint or for a hearing.

Decision and reasons

(3) The Review Board shall give its decision and reasons therefor in writing to the complainant and the funeral director complained against.

Notice of proposal to refuse registration

20.—(1) Where the Licensing Committee proposes to refuse to grant a funeral director's licence to an applicant, or proposes to attach terms, conditions or limitations to a

licence, the Registrar on behalf of the Committee shall serve notice of the proposal of the Committee, together with written reasons therefor, on the applicant or licensee and a copy thereof to the Review Board.

(2) Subsection 1 does not apply to a refusal to grant a licence to a person who was previously licensed and whose licence was suspended or revoked as a result of a decision of the Discipline Committee. Exemptions

(3) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board or to a review by the Review Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Review Board requiring a hearing or such review by the Review Board, as he specifies. Notice requiring hearing or review

(4) Where an applicant or licensee does not require a hearing or review by the Review Board in accordance with subsection 3, the Review Board shall so notify the Licensing Committee and the Committee may carry out the proposal stated in its notice under subsection 1. Powers of Licensing Committee where hearing or review

(5) The findings of fact of the Review Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. 47 1971. Findings of fact

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 21 apply *mutatis mutandis* to proceedings before the Review Board under this section. Procedures on hearings

(7) The Review Board shall, after the hearing or review, Powers of Review Board upon hearing or review

(a) confirm the proposed decision of the Licensing Committee; or

(b) require the Licensing Committee to permit the applicant to take qualifying examinations or additional training as a condition for licensing, or both as specified by the Licensing Committee; or

(c) require the Licensing Committee to direct the Registrar to register the applicant on any appropriate register subject to such conditions as the Review Board considers appropriate in cases where the Review Board finds that the applicant meets the

requirements for licensing and that the Committee has exercised its powers improperly; or

- (d) refer the matter back to the Licensing Committee for further consideration and the Review Board may make such recommendations as it considers appropriate in the circumstances.

Parties (8) The Licensing Committee and the applicant or licensee are parties to proceedings before the Review Board under this section.

Appeals (9) Any party to proceedings before the Review Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Parties to discipline proceedings **21.—**(1) In proceedings before the Discipline Committee, the Board and the funeral director whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence (2) A funeral director whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc. (3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera
1971, c. 47 (4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the

Committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed;
or

(b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost. Recording of evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971* nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. Evidence 1971, c. 47

(7) No member of the Discipline Committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

22.—(1) Any party to proceedings before the Discipline Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Board to take any action which the Committee or the Board may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

**Restoration
of licence**

23.—(1) A person whose licence as a funeral director has been revoked or suspended for cause under this Act, or whose licence or permit was suspended or cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence as a funeral director or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

**Reference to
Discipline
Committee or
Licensing
Committee**

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Licensing Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Board and to the former licensee.

Procedures

(3) The provisions of this Act applying to proceedings of the Review Board on hearings and review in respect of applications for registration, except subsection 9 of section 20 apply, *mutatis mutandis*, to proceedings of the Licensing Committee and Discipline Committee under this section.

**Funeral
services
establish-
ment
licence**

24.—(1) No person shall establish or maintain in any premises a funeral services establishment except under the authority of a licence issued to him in respect of the premises by the Registrar under this Act, and the Registrar may issue a licence for a funeral services establishment subject to such conditions as the Registrar may specify in the licence.

**Issuance
of funeral
services
establish-
ment
licence**

(2) Subject to subsection 3 and section 25, any person who applies in accordance with the regulations for a licence to establish and maintain in a specified premises a funeral services establishment and who meets the requirements of this Act and the regulations is entitled to be issued the licence in respect of the premises.

**Idem.
corporations**

(3) The Registrar shall not issue a funeral services establishment licence to a corporation unless,

(a) each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario; and

(b) at least one of the directors of the corporation is a funeral director.

**Grounds
for
refusal
of funeral
services
establish-
ment
licence**

25. Subject to section 28, the Registrar may refuse to issue a funeral services establishment licence where, in his opinion,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the funeral services establishment will not be operated or maintained in accordance with the law and with honesty and integrity;
- (b) the proposed funeral services establishment or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location; or
- (c) the equipment and premises are not suitable for the providing of funeral services.

26. The Registrar may refuse to renew or may suspend or revoke a funeral services establishment licence, Revocation
and
refusal
to renew

- (a) where any person has made a false statement in the application for the licence or a renewal thereof or in any certificate, report or other document or information that is signed by the licensee or a person authorized by the licensee and that is required to be furnished by this Act or the regulations or any other Act or regulation that applies to the funeral services establishment;
- (b) where there is a breach of a condition of the licence;
- (c) where the licensee does not comply with this Act or the regulations;
- (d) where a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a funeral services establishment licence under clause a of section 25; or
- (e) for any reason that would disentitle the licensee to the issuance of a licence under section 25.

27.—(1) Where the Registrar issues a funeral services establishment licence and the licensee is dissatisfied with the conditions thereof prescribed by the Registrar, he may by written notice given to the Registrar and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing. Hearing
re terms
of
licence

**Decision
of Review
Board**

(2) Pursuant to a hearing under subsection 1, the Review Board may affirm the conditions prescribed for the licence by the Registrar or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Registrar as it considers proper and such conditions shall be conditions of the licence.

**Proposal
to refuse
to issue
or renew
or to
revoke**

28.—(1) Where the Registrar proposes to refuse to issue or renew or to revoke a funeral services establishment licence, the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee, as the case may be.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Registrar and the Review Board requiring a hearing by the Review Board and he may so require such a hearing.

**Powers of
Registrar
where no
hearing**

(3) Where the applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Registrar may carry out the proposal stated in the notice under subsection 1.

**Power of
Review
Board
where
hearing**

(4) Where the applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing any may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Registrar.

**Extension
of time
for
requiring
hearing**

(5) The Review Board may extend the time for the giving of notice requiring a hearing by the applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

**Continua-
tion of
licence
pending
renewal**

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the funeral services establishment licence, the licensee has applied for renewal

of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

29.—(1) The Registrar, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

(2) Notice of a hearing under section 27 or 28 shall ^{Notice of hearing} afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention, as the case may be, of the licence.

(3) Any party to proceedings under section 27 or 28 shall be afforded an opportunity to examine before the ^{Examination of documentary evidence} hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the ^{Members holding hearing not to have taken part in investigation, etc.} hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Review Board at a ^{Recording of evidence} hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Review Board pursuant ^{Findings of fact} to a hearing shall be based exclusively on evidence admissible

1971, c. 47 or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

(7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

(9) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(11) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Registrar to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Licences
not
transferable

30.—(1) A funeral services establishment licence is not transferable.

Notice
of change

(2) Where the licensee is a corporation, the corporation shall notify the Registrar in writing within fifteen days of any change in the officers or directors of the corporation.

31.—(1) The Registrar may appoint in writing one or more persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments, and, in an appointment, may limit the authority of an inspector in such manner as the Registrar considers necessary or advisable. Appointment
of
inspectors

(2) The Registrar shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. Certificate
of
appointment

(3) An inspector may at any reasonable time enter upon the premises of a funeral services establishment to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. Inspection

(4) Where an inspector has reasonable grounds to believe that any premises are being used by any person as a funeral services establishment in respect of which there is not a valid licence issued under this Act, the inspector may at any reasonable time enter upon the premises other than a residence of such person to make an inspection for the purpose of determining whether or not the person is in contravention of subsection 1 of section 24. Idem

(5) Where the Registrar has reasonable grounds to believe that a funeral director has committed an act of professional misconduct or incompetence, the Registrar may by order direct an inspector to make an investigation to ascertain whether such an act has occurred and the inspector shall report the result of his investigation to the Registrar. Investigation

(6) For purposes relevant to the subject-matter of an investigation under this section, the inspector making the investigation may inquire into and examine the premises and practice of the funeral director in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the premises other than a residence of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of
inspector

1971. c. 49

Obstruction
of
inspector

(7) No person shall obstruct an inspector making an investigation or an inspection under this section or withhold from him or conceal or destroy any book, record, document or thing relevant to the subject-matter of the investigation or inspection.

Search
warrant

(8) Where a provincial judge is satisfied upon an *ex parte* application by the person making an investigation or an inspection under this section,

- (a) that the investigation has been ordered and that such person has been directed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation; or
- (b) that the inspector has reasonable ground for believing that it is necessary to enter any building, dwelling, receptacle or place to ensure that the provisions of this Act and the regulations are being complied with or to determine whether or not any premises are being used as a funeral services establishment in respect of which there is not a valid licence issued under this Act,

the provincial judge may, whether or not an investigation or inspection has been attempted under subsection 3, 4 or 6, issue an order authorizing the person making the investigation or inspection, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for the books, records, documents or things referred to in clause *a* or for any books, records, documents or things related to the subject-matter of an inspection for a purpose mentioned in clause *b* and to examine such books, records, documents or things, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation or inspection to make the search at night.

Removal
of books,
etc.

(9) An inspector making an investigation or inspection under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the person whose business is being investigated or inspected and to the subject-matter

of the investigation or inspection for the purpose of making copies of such books, records, documents or things, but such copying shall be carried out with reasonable dispatch and the books, records, documents or things in question shall be promptly thereafter returned to the person whose business is being investigated or inspected.

(10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation or inspection is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record, document or thing and its contents. Admissibility
of copies

(11) The Registrar shall report the results of an investigation ordered under subsection 5 to the Board or the Executive Committee or to such other committee as he considers appropriate. Report of
Registrar

32.—(1) Every person employed in the administration of this Act, including any person making an inquiry, investigation or inspection under section 31 and any member of the Board or a committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, investigation or inspection under section 31 and shall not communicate any such matters to any other person except, Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, investigation or inspection except in a proceeding under this Act or the regulations or by-laws. Testimony
in civil
suit

33.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Board may make regulations, Regulations

- (a) governing applications for licences and renewals of licences;
- (b) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;
- (c) providing for the expiration and renewal of funeral services establishment licences;
- (d) requiring the payment of annual fees by funeral directors and fees for the issuing of licences or any class thereof, for the renewals of licences or any class thereof, for the registration of students, and for examinations and continuing education, including penalties for late payment, and payment for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
- (e) prescribing the qualifications for and conditions of registration of students and governing in-service training for students;
- (f) providing for a program of continuing education of funeral directors to maintain their standard of competence and requiring funeral directors to participate in such continuing education;
- (g) respecting the duties and authority of the Registrar;
- (h) prohibiting the providing or the directing of the providing of funeral services where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
- (i) governing standards of practice for funeral directors and respecting the methods and materials that may be used for embalming;
- (j) defining professional misconduct for the purposes of this Act;
- (k) providing for the maintenance and inspection of registers of persons licensed to practice as funeral directors, of students and of persons licensed to establish and maintain funeral services establishments;

- (l) prescribing the records that shall be kept by funeral directors and by funeral services establishment licensees;
- (m) requiring and providing for the inspection and examination of the premises, records and equipment of funeral directors and funeral services establishments;
- (n) authorizing persons other than funeral directors to perform specified acts in the providing of funeral services under the supervision or direction of a funeral director;
- (o) providing for the compilation of statistical information on the supply, distribution and professional activities of funeral directors and funeral services establishments and requiring funeral directors and funeral services establishment licensees to provide the information necessary to compile such statistics;
- (p) respecting the reporting and publication of decisions in disciplinary matters;
- (q) prohibiting or governing the advertising of funeral services or funeral supplies and prohibiting or governing the display of funeral supplies to the public;
- (r) governing the construction, location, equipment, maintenance, hygienic practices and repair of and additions or alterations to funeral services establishments and governing the information, plans and materials that shall be furnished to the Registrar;
- (s) governing the equipment and hygienic practices for the transportation of dead human bodies;
- (t) regulating, controlling and prohibiting the use of terms, titles or designations by licensees under this Act in respect of their businesses or practices;
- (u) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standards of practice, qualifications and continuing education of licensees under this Act and reporting and making recommendations to the Board and to the Licensing Committee thereon;

- (v) prescribing forms and providing for their use;
- (w) providing for the exemption of any person from any provision of this Act or the regulations under such special circumstances in the public interest as the Board considers advisable and prescribing conditions that shall attach to such exemptions or to any such exemption;
- (x) prescribing the expenses and remuneration of members of the Board for the purpose of clause *a* of subsection 7 of section 2.

Regulations
by
Lieutenant
Governor in
Council

(2) Where the Minister requests in writing that the Board make, amend or revoke a regulation under subsection 1 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

By-laws

34.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

- (a) prescribing the seal of the Board;
- (b) providing for the execution of documents by the Board;
- (c) respecting banking and finance;
- (d) fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;
- (e) respecting the calling, holding and conducting of meetings of the Board and the duties of members of the Board;
- (f) respecting the calling, holding and conducting of meetings of licensees;
- (g) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;
- (h) delegating to the Executive Committee such powers and duties of the Board as are set out in the by-law,

other than the power to make, amend or revoke regulations and by-laws;

- (i) providing for a code of ethics;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the Board;
- (m) respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
- (n) providing for the entering into arrangements by the Board for licensees respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by licensees and exempting licensees or any class thereof from all or part of any such levy;
- (o) respecting membership of the Board in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;
- (p) respecting all of the things that are considered necessary for the efficient conduct of the affairs of the Board.

(2) A copy of the by-laws made under subsection 1 and amendments thereto, Distribution
of by-laws

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each licensee; and
- (c) shall be available for public inspection in the office of the Board.

(3) At any time before or after receiving a copy of a by-law made under subsection 1 or an amendment thereto, the Minister may, by an order in writing, revoke or amend the by-law or amendment, but a by-law or amendment is effective until so revoked or amended and no act done or Minister
may revoke
or amend
by-laws

right acquired under any such by-law before such revocation or amendment by the Minister is prejudicially affected by the revocation or amendment.

**Restraining
orders**

35.—(1) Where it appears to the Board that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**Conditions
to funeral
director's
licence**

36.—(1) It is a condition of every licence as a funeral director,

- (a) that the licensee not direct the operation of more than one funeral services establishment;
- (b) that the licence be posted in a conspicuous place in a part of the funeral services establishment that is open to the public where the funeral director provides or directs the providing of funeral services or funeral supplies to the public;
- (c) that the funeral director have his principal place of residence,
 - (i) in the same municipality as the funeral services establishment where the funeral director provides or directs the providing of funeral services or funeral supplies to the public, or
 - (ii) in sufficient proximity to such funeral services establishment that the funeral director is able to comply with the standards of practice provided for funeral directors by the regulations.

**Conditions
to funeral
services
establish-
ment
licence**

(2) It is a condition of every licence to establish, operate and maintain a funeral services establishment,

- (a) that the operation of the funeral services establishment be under the direction of a funeral director;

- (b) that where the funeral services establishment is operated under a name other than the name of the funeral director who is directing the operation of the establishment, the name of the funeral director shall be stated on all stationery of and in all advertisements by the establishment;
- (c) that the funeral services establishment licence be posted in a conspicuous place in a part of the establishment that is open to the public;
- (d) where the licensee is a corporation,
 - (i) that each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario, and
 - (ii) that at least one of the directors of the corporation is a funeral director.

37. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a funeral director. Transportation of body out of Ontario

38.—(1) Every person who is in contravention of subsection 1 or 2 of section 5 or subsection 1 of section 24 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. Penalties

(2) Every person who, not being a licensee under this Act, Idem uses an occupational designation prescribed or prohibited by the regulations to be used by licensees or any class of licensees under this Act or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Idem

(4) Where a corporation is convicted of an offence under subsection 1, 2 or 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

**Directors
and
officers**

(5) Where a corporation has been convicted of an offence under subsection 1, 2 or 3,

- (a) each director of the corporation; and
- (b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

**Falsifica-
tion of
certificates**

39.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence or a false certificate or document with respect to an entry in a register under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

**Offences for
false
representa-
tion**

(2) Any person who wilfully procures or attempts to procure himself to be licensed under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

**Onus of
proof
respecting
licensing**

40. Where licensing under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so licensed under this Act rests upon the accused.

**Limitation
for
malpractice
actions**

41. No licensee under this Act is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

**Service of
notice**

42. Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes

that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

43. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Board is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal. Registrar's certificate as evidence

44. No action or other proceeding for damages shall be instituted against the Review Board, the Board, a committee of the Board or any member of the Review Board, the Board or committee, or any officers, employees, agents or appointees of the Review Board or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity of Review Board and committees

45. *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

47. This Act may be cited as *The Funeral Services Act*, 1976. Short title

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...

...

The Funeral Services Act, 1976

1st Reading

November 26th, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 16th, 1976

THE HON F. S. MILLER
Minister of Health

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Municipal Elections Finances Reform**

MR. CASSIDY

EXPLANATORY NOTE

This Bill limits the amount that may be spent in major cities in a municipal campaign to \$20,000 for the office of mayor or reeve and \$3,000 for the office of ward alderman. The limit is reduced for smaller municipalities and may be reduced even further by a by-law passed by the municipal council.

No contribution to a municipal campaign is allowed to exceed 10 per cent of the maximum spending for the office the candidate is seeking.

Candidates are required to file a statement of expenditures with the clerk of the municipality before they take office and a candidate who exceeds the spending or contribution limits may, and in certain cases must, vacate his office. The decision is left to the municipal council.

Unsuccessful candidates who fail to comply with the Act may be declared ineligible to stand for elected office in the municipality at the next municipal election.

BILL 172

1976

An Act respecting Municipal Elections Finances Reform

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "campaign period" means the period commencing the 1st day of October in any municipal election year and ending the 31st day of December in that year;
- (b) "candidate" means any person who is duly nominated as a candidate for alderman, controller, reeve, deputy reeve, mayor, or other elected municipal office in accordance with *The Municipal Elections Act, 1972*; 1972, c. 95
- (c) "clerk" means the clerk of the municipality;
- (d) "contribution" does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for a candidate, outside normal working hours, without compensation;
- (e) "election" means a municipal election held under *The Municipal Elections Act, 1972*;
- (f) "outdoor advertising facilities" means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;
- (g) "person" includes a candidate but does not include a corporation or trade union;

1972, c. 95

(h) "polling day" means the day fixed pursuant to *The Municipal Elections Act, 1972* for holding the poll at an election;

R.S.O. 1970,
c. 232R.S.C. 1970,
C. L-1

(i) "trade union" means a trade union as defined by *The Labour Relations Act* or the *Labour Code* (Canada) that holds bargaining rights for employees in Ontario to whom those Acts apply.

Enforcement

2. For the purposes of enforcing this Act, a municipality may, by resolution of council, appoint an employee of the municipality to carry out any investigation that may be required under the Act or to review any statements of contributions and expenses submitted by candidates in accordance with this Act, and the council shall make such appointment of an investigating officer where a complaint has been launched by a candidate who has been duly nominated to stand for the municipal council for the election in question.

**Powers of
investigation
and
examination**

1971, c. 49

3. For the purpose of carrying out an investigation or examination under this Act, the officer appointed by the council has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Idem

4. For the purposes of investigation and examination under this Act, the officer appointed by the council may at any reasonable time enter the premises of a candidate and examine books, papers and documents of the candidate which are relevant to the subject-matter of the investigation or examination.

Information

5. Information which is relevant to the spending of or campaign contribution to a municipal candidate, that is reasonably required in respect of an investigation or examination under this Act, shall be provided by the candidate on request within thirty days after receiving a written request therefor from any officer appointed by the council.

**Qualification
for accepting
contribu-
tions**

6. No person intending to stand as a candidate in an election and no person, corporation or trade union acting on behalf of such person intending to be a candidate shall accept contributions for the purposes of the candidacy until the person has filed his nomination papers in the manner prescribed under *The Municipal Elections Act, 1972* or has signified by declaration to the clerk of the municipality his intention to stand as a candidate in the election.

7. The clerk shall maintain a register open to the public with the name, address and office sought of all persons who have signified their intention to stand as a candidate in the election. Register

8. No contribution for the candidacy of an election candidate may be accepted before the 1st day of October in any election year. Limitation

9. For the purposes of this Act, each candidate who is nominated or declares his intention to stand in the election shall appoint a financial officer who shall be responsible for accepting all election contributions made to the candidate and for disbursing all sums spent in the campaign. Appointment of financial officer

10. When a candidate is nominated or declares his intention to stand as a candidate, the name and address of his financial officer shall also be registered with the election official or with the clerk. Registration of name of financial officer

11. Where a person has declared his intention to stand as a candidate in a declaration to the clerk and withdraws his candidacy, he shall so notify the clerk in writing and the clerk shall delete his name from the register of candidates. Withdrawal of candidacy

12. Any moneys not expended in the campaign of the candidate who withdraws his candidacy shall be returned to the contributors and no such moneys shall be handed on to another candidate without the prior written consent of the original contributors. Return of unexpended moneys upon withdrawal of candidacy

13. Contributions to candidates for elections may be made only by persons individually, corporations and trade unions. Contributors and how contributions to be made

14. Moneys contributed to candidates for elections in amounts in excess of \$10 shall be made only by a cheque having the name of the contributor legibly printed thereon, signed by the contributor and drawn on an account in the contributor's name or by a money order signed by the contributor. How contributions of money to be made

15. Any anonymous contribution received by a candidate or his agent shall not be used or expended but shall be returned to the contributor, if the contributor's identity can be established, or paid into the municipal treasury. Anonymous contributions

Contribution limited to own funds

16.—(1) No person, corporation or trade union shall contribute to any candidate funds not actually belonging to him or it or any funds that are given or furnished to him or it by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof.

Return of contribution

(2) Where the financial officer learns that any contribution received by or on behalf of the candidate for whom he acts was made contrary to subsection 1, he shall return the contribution or an amount equal to the amount contributed forthwith.

Federal and provincial parties as individual contributors 1973-1974, c. 51 (Can.) 1975, c. 12

17. For the purposes of this Act, a federal or provincial party registered under the *Election Expenses Act* (Canada) or *The Election Finances Reform Act, 1975* shall be considered as an individual contributor.

Limits upon candidates' spending

18. In a municipality with a population of 50,000 or less, the following limits apply to the campaign spending by candidates for municipal office:

- (a) for candidates running for alderman where the municipality is divided into two or more wards, \$1,000;
- (b) for candidates running for alderman where the aldermen are elected at large, and for candidates running for other at-large positions below the level of mayor or reeve, \$3,000; and
- (c) for candidates running for the office of mayor or reeve, \$5,000.

Idem

19. In a municipality with a population between 50,001 and 150,000, the following limits apply to campaign spending:

- (a) for candidates running for alderman where the municipality is divided into two or more wards, \$2,000;
- (b) for candidates running for alderman where the aldermen are elected at large, and for candidates running for other at-large positions below the level of mayor or reeve, \$5,000; and
- (c) for candidates running for the office of mayor or reeve, \$10,000.

20. In a municipality with a population of 150,001 or ^{Idem} more, the following limits apply to campaign spending:

- (a) for candidates running for alderman where the municipality is divided into two or more wards, \$3,000;
- (b) for candidates running for alderman where the aldermen are elected at large, \$6,000;
- (c) for candidates running for Board of Control, where one exists, \$10,000; and
- (d) for candidates running for the office of mayor or reeve, \$20,000.

21. A municipality may by by-law fix lower spending limits than the limits in sections 18 to 20, but may not set higher limits. ^{Municipal authority to lower spending limits}

22. Except for contributions made by the candidate himself out of his own resources, no contribution to the campaign of a municipal election candidate shall exceed 10 per cent of the maximum amount that may be spent in running for the office for which the candidate is nominated or intends to stand. ^{Ceiling on contributions}

23. As a condition of taking office, every municipal candidate elected to municipal office shall file with the clerk of the municipality, on or before the first day on which the newly elected council meets, a full statement of his campaign expenditures, revenue and contributions. ^{Filings as a condition of taking office}

24. For the purposes of this Act, contributions shall include contributions of materials, services, and paid or non-voluntary labour, valued at fair market value for the purposes of this Act. ^{Contributions described}

25. The statement of expenditures shall detail all expenditures exceeding \$10 and shall be certified by the financial officer of the candidate and by the candidate as being true. ^{Statement of expenditure}

26. The statement of revenue and contributions shall state the source of all revenues accruing to the campaign, any debt outstanding from the campaign, and shall provide a statement of the name and address and amount contributed in the case of all contributions exceeding \$50. ^{Statement of revenue and contributions}

27. Unsuccessful candidates shall also file a statement of campaign expenditures, revenue and contributions with the clerk by the time of the first meeting of the new council. ^{Filings by unsuccessful candidates}

Investiga-
tions upon
receipt of
complaint

28. Violations of the spending or contributions limits or of other provisions of this Act shall be investigated by the municipality on complaint duly filed with the clerk by a person who was a candidate for elected office in the municipality in the municipal election in question.

Penalty

29. Where, after an investigation, a municipal council determines that a candidate has misrepresented the amount of any item of campaign expenditure or of his total campaign expenditure, or the amount of any campaign contribution, or has exceeded the maximum limit for expenditure allowed under this Act, or by by-law, the council may declare the seat vacant.

Declaring
of seat
as vacant

30. Where a council determines that a candidate or his financial officer knowingly accepted a contribution to his campaign exceeding the allowable amount or that he or his financial officer knowingly permitted the expenditure on his campaign to exceed the maximum allowed by more than 25 per cent, the council shall declare the seat vacant.

Where failure
to file
required
reports

31. Where a candidate who is unsuccessful fails to file the required report of campaign expenditures, revenues and contributions by the allowed date, he shall be ineligible to stand for office in the municipality at the next succeeding municipal election.

Declaration
of ineligi-
bility to
stand in
next election

32. Where a council determines that a candidate who is unsuccessful at the election knowingly exceeded the limit on contributions or the limit on spending, the council may declare the candidate ineligible to stand as a candidate for municipal office in the municipality at the next municipal election.

Offence by
financial
officer

33. The financial officer of a candidate registered under this Act who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offence by
corporation
or union

34. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

General
offence

35. Every person who knowingly contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offence for
obstructing
investigation

36. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or conceal or destroy any books, papers, documents or things

relevant to the subject-matter of the investigation or examination.

37. No person shall knowingly make a false statement in any application, return, financial statement or other document filed under this Act. Offence for false statement

38. No person shall knowingly give false information to a financial officer or other person authorized to accept contributions. Offence for false information

39. No prosecution shall be instituted under this Act without the consent of the municipal council. Consent of municipal council

40. This Act comes into force on the day it receives Royal Assent. Commencement

41. This Act may be cited as *The Municipal Elections Finances Reform Act, 1976*. Short title

BILL 172

An Act respecting
Municipal Elections
Finances Reform

1st Reading

November 26th, 1976

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Municipal Candidates

MR. CASSIDY

EXPLANATORY NOTE

This Bill guarantees leaves of absence to municipal candidates for campaigning purposes, provides protection against dismissal or reduction of benefits due to the candidates standing for municipal office and guarantees certain rights of re-employment to a candidate returning from his elected position to his previous position of employment.

BILL 173

1976

An Act respecting Municipal Candidates

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "candidate" means a candidate under *The Municipal Elections Act, 1972*; 1972, c. 95
- (b) "election" means an election under *The Municipal Elections Act, 1972*;
- (c) "employer" includes Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality or the local boards thereof; R.S.O. 1970,
c. 118
- (d) "nomination day" means a nomination day under *The Municipal Elections Act, 1972*;
- (e) "polling day" means a polling day under *The Municipal Elections Act, 1972*.

2. Every person in Ontario who is qualified as a candidate may stand for municipal office.

Right to
stand for
municipal
office

3. No employer shall deduct any wage from, reduce any benefit of, threaten to dismiss, dismiss, threaten disciplinary action against, take disciplinary action against or in any other way discourage or prevent an employee from standing for municipal office.

Prohibition
re employer
discouraging,
etc., em-
ployee from
standing for
municipal
office

4.—(1) Every employer with less than twenty-five employees shall grant a leave of absence, without pay, to any employee who is a certified candidate.

Leave of
absence

Idem (2) Every employer with twenty-five or more employees shall give a leave of absence, with pay, to any employee who is a certified candidate.

Idem (3) A leave of absence under subsection 1 or 2 shall be,

- (a) used by the employee for municipal campaigning purposes; and
- (b) limited to that period of time between nomination day and the day after polling day.

Prohibition re dismissal for election to office **5.** No employer shall dismiss or take other unreasonable action against an employee by reason of the election of that employee to a municipal office.

Limitation re reducing remuneration due to elected position **6.** Where an employee is elected to a municipal office, the employer and employee may agree to reduce the employee's duties and remuneration provided that such reduction does not exceed the remuneration received by that employee from his municipal office.

Minimum leave of absence while in elected position **7.—(1)** Every employer with twenty-five or more employees shall give every employee elected to a full-time municipal office a leave of absence, without pay, for a minimum period of five years.

Employee rights on resuming previous employment prior to expiration of leave of absence (2) An employee who leaves a municipal office to which he has been elected and resumes his employment prior to the expiration of a leave of absence under subsection 1 shall resume his employment,

- (a) without any loss in employment benefits; and
- (b) at the rate of pay he would receive had he not held a municipal office but had remained in his previous position of employment.

Employer duties re employee leaving elected position where absence in effect and no immediate vacancy **8.** Any employee who leaves an elected municipal office before the expiration of a leave of absence and finds his position of employment immediately prior to entering such municipal office has been filled and no vacancy for which he is qualified is available, shall receive from his previous employer,

- (a) first priority in hiring for any position for which he is qualified; and
- (b) upon re-employment,

- (i) full employment benefits, and
- (ii) pay at the rate he would receive had he not held municipal office but had remained in his previous position of employment.

9. Every person who knowingly contravenes any provision of this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Offences

10. Where a corporation is convicted of an offence under section 9, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein. Corporations

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The Municipal Candidates Act, 1976*. Short title

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An Act respecting
Municipal Candidates

1st Reading

November 26th, 1976

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the
Establishment of Ward Boundaries**

MR. CASSIDY

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill provides that every city or municipality with a population of 25,000 or more shall pass by-laws establishing wards for municipal elections.

BILL 174

1976

An Act respecting the Establishment of Ward Boundaries

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a city shall be composed of a mayor, ^{Councils of cities, how} the members of the board of control if the city has such a ^{composed} board, and,

(a) three aldermen for each ward; or

(b) where the council by by-law so provides, one or two aldermen for each ward.

2.—(1) The council of a city or other municipality with ^{By-law to provide} a population of 25,000 or more shall by by-law provide for ^{for wards} a minimum of five wards for an election to a municipal council.

(2) All wards created under subsection 1 shall be com- ^{Composition of wards} posed,

(a) of approximately equal numbers of municipal electors; and

(b) with consideration being given to,

(i) maintaining neighbourhood and community interests,

(ii) physical separations between communities, and

(iii) socio-economic groupings.

3. In a municipal election year a by-law under section 2 ^{When and how by-law to be passed} shall not be repealed after the 1st day of May.

Petition to
repeal ward
by-law

4. Subject to section 3, any petition of one hundred or more municipal electors presented to the clerk of the municipality praying for the passing of a by-law repealing a by-law under section 2 shall be referred to the Ontario Municipal Board.

Disposition
of appeal by
the Ontario
Municipal
Board

5. Where a petition under section 4 is received by the Ontario Municipal Board, the Board shall appoint a time for and consider the petition, and may by order affirm, rescind or vary the by-law or refer the by-law back to the municipal council on such terms and conditions, as the Board may direct.

Review
of ward
boundaries

6. Where a city or a municipality is required to establish ward boundaries under section 2, the council shall review the boundaries a minimum of once every ten years and, where required in order to comply with the criteria set out in subsection 2 of section 2, revise the boundaries.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ward Boundaries Act, 1976*.



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An Act respecting the
Establishment of Ward Boundaries

1st Reading

November 26th, 1976

2nd Reading

3rd Reading

MR. CASIDY

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Farm Products Grades and Sales Act**

MR. GROSSMAN

EXPLANATORY NOTE

This Bill increases the maximum fines under the Act,

- (1) for a person to \$1,000 for a first offence and to \$2,000 for a second offence; and
- (2) for a corporation to \$10,000 for a first offence and to \$25,000 for a second offence.

BILL 175

1976

An Act to amend The Farm Products Grades and Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Farm Products Grades and Sales Act*, being ^{s. 10, re-enacted} chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 37, section 4, is repealed and the following substituted therefor:

10.—(1) Every person who,

Offences

(a) contravenes any of the provisions of section 8;

(b) fails to comply with any order made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such contravention or failure is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$2,000 for a subsequent offence.

(2) Where a corporation is convicted of a first offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein, and where a corporation is convicted of a second offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Corporations

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Limitation

Idem	(4) No proceeding under clause <i>b</i> or <i>c</i> of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.
Commence- ment	2. This Act comes into force on the day it receives Royal Assent.
Short title	3. This Act may be cited as <i>The Farm Products Grades and Sales Amendment Act, 1976</i> .







BILL 175

An Act to amend
The Farm Products Grades
and Sales Act

1st Reading

November 29th, 1976

2nd Reading

3rd Reading

MR. GROSSMAN

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

THE HON. B. STEPHENSON
Minister of Labour

EXPLANATORY NOTES

SECTION 1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of the Act now read as follows:

(*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees;

(*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization;

(*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

The re-enactment of clause *e* adds the words "and includes a provincial agreement".

The re-enactment of clause *h* adds the words "and a designated or accredited employer bargaining agency".

The re-enactment of clause *n* adds the words "and a designated or certified employee bargaining agency".

In each instance the added words are complementary to the new sections 125 to 139 of the Act.

SECTION 2. The new sections 125 to 139 deal with province-wide bargaining in the industrial, commercial and institutional sector of the construction industry.

Section 125. The definitions are complementary to the new sections of the Act.

Section 126. Self-explanatory.

Section 127.—Subsection 1. The subsection provides that initially new bargaining agencies are to be designated by the Lieutenant Governor in Council to represent individual trades or crafts and employers of such trades or crafts in province-wide, multi-employer bargaining in the industrial, commercial and institutional sector of the construction industry.

Subsection 2. The subsection permits the Minister to convene a conference of trade unions and employers to advise in the selection of the appropriate bargaining agency.

Subsection 3. Self-explanatory.

Section 128. The section provides that a designated employee bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of employees in the trade or craft.

Section 129. The section provides that a designated employer bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of the employers in the trade or craft.

Section 130. The section provides that an employee bargaining agency, upon designation or replacement by the Ontario Labour Relations Board, has vested in it all the bargaining rights of the trade unions which represent the members of a particular trade or craft for the purpose of bargaining for a provincial agreement.

Section 131. The section provides that an employer bargaining agency, upon designation or replacement, has vested in it all the bargaining rights of employers for the purpose of bargaining for a provincial agreement.

Section 132. The section provides that existing collective agreements shall end according to their term of operation and are then replaced by the provincial agreements which will become binding upon employers, trade unions and employees in the trades or crafts covered by the provincial agreements.

Section 133. The section provides that a provincial agreement shall be the only agreement between employers and a designated trade or craft and any agreement or arrangement other than a provincial agreement shall be null and void.

The section further provides that all provincial agreements shall expire at the same time, April 30th, and shall be for a period of two years.

Section 134. The section sets out who is bound by a provincial agreement.

Section 135. The section provides that an employee and an employer bargaining agency shall act in good faith with their members and the employers or unions they represent.

Section 136. The section provides that a co-ordinating agency of employer bargaining agencies may be designated and the constitution, etc., thereof, regulated by regulations made by the Lieutenant Governor in Council.

Section 137. Self-explanatory.

Section 138. Self-explanatory.

Section 139. Self-explanatory.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1(1)(*e, h, n*)
re-enacted

(*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees, and includes a provincial agreement;

(*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization and a designated or accredited employer bargaining agency;

(*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national, or international trade union, a certified council of trade unions and a designated or certified employee bargaining agency.

ss. 125-139,
enacted

2. The said Act is amended by adding thereto the following sections:

PROVINCE-WIDE BARGAINING

Interpre-
tation

125. In this section and in sections 126 to 139,

- (a) "affiliated bargaining agent" means a bargaining agent affiliated or related either directly or indirectly with other bargaining agents where the members of each bargaining agent, according to established trade union practice, belong to the same construction trade or craft;
- (b) "bargaining", except when used in reference to an affiliated bargaining agent, means province-wide, multi-employer, single trade bargaining in the industrial, commercial and institutional sector of the construction industry referred to in clause *c* of section 106;
- (c) "co-ordinating agency" means an organization of employer bargaining agencies formed for purposes that include the co-ordination of bargaining and designated in the regulations;
- (d) "employee bargaining agency" means an organization of all affiliated bargaining agents formed for purposes that include the representation of affiliated bargaining agents in bargaining;
- (e) "employer bargaining agency" means an employers' organization or group of employers' organizations formed for purposes that include the representation of employers in bargaining;
- (f) "provincial agreement" means an agreement in writing covering the whole of the Province of Ontario between a designated or accredited employer bargaining agency that represents employers, on the one hand, and a designated or certified employee bargaining agency that represents affiliated bargaining agents, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer bargaining agency, the employers represented by the employer bargaining agency and for whose employees the affiliated bargaining agents hold bargaining rights, the affiliated bargaining agents represented by the employee bar-

gaining agency, or the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106.

126. Where there is conflict between any provision in sections 127 to 139 and any provision in sections 5 to 49 and 54 to 124, the provisions in sections 127 to 139 prevail.

127.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may by order, Designations by Lieutenant Governor in Council

- (a) designate trades or crafts in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106;
- (b) designate employee bargaining agencies to represent in bargaining provincial units of affiliated bargaining agents, and describing those provincial units;
- (c) designate employer bargaining agencies to represent in bargaining provincial units of employers for whose employees affiliated bargaining agents hold bargaining rights, and describing those provincial units.

(2) For the purpose of making recommendations under subsection 1, the Minister may convene a conference, or conferences, of affiliated bargaining agents and employers for whose employees affiliated bargaining agents hold bargaining rights. Minister may convene conference

(3) *The Regulations Act* does not apply to an order made under subsection 1. R.S.O. 1970, c. 410 does not apply

128.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employee bargaining agency, whether designated or not, may apply to the Board to be certified to represent in bargaining a provincial unit of affiliated bargaining agents. Application to Board by employee bargaining agency

(2) Where the Board is satisfied that a majority of the affiliated bargaining agents falling within the provincial unit is represented by the employee bargaining agency and that such majority of affiliated bargaining agents holds bargaining rights for a majority of employees that would be bound Certification by Board

by a provincial agreement, the Board shall certify the employee bargaining agency.

Application
to Board
by employer
bargaining
agency

129.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employer bargaining agency, whether designated or not, may apply to the Board to be accredited to represent in bargaining a provincial unit of employers for whose employees affiliated bargaining agents hold bargaining rights.

Accreditation
by Board

(2) Where the Board is satisfied that a majority of employers falling within the provincial unit is represented by the employer bargaining agency and that such majority of employers employ a majority of the employees for whom the affiliated bargaining agents hold bargaining rights, the Board shall accredit the employer bargaining agency.

Vesting of
rights,
duties and
obligations

130. Where an employee bargaining agency has been designated, or certified, to represent a provincial unit of affiliated bargaining agents, all rights, duties and obligations under this Act of the affiliated bargaining agents for which it bargains shall vest in the employee bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement.

Idem

131. Where an employer bargaining agency has been designated, or accredited, to represent a provincial unit of employers, all rights, duties and obligations under this Act of employers for which it bargains, and all rights, duties and obligations under this Act for an accredited employers' organization holding bargaining rights for employers falling within the provincial unit of employers, shall vest in the employer bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement.

Termination
of collective
agreement

132.—(1) Upon the coming into force of this section, every collective agreement in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and represented by affiliated bargaining agents, is enforceable by and binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provisions respecting its renewal.

Provincial
agreement
binding

(2) Where any collective agreement mentioned in subsection 1 ceases to operate, the affiliated bargaining agent, the employer and the employees for whom the affiliated bargaining agent holds bargaining rights shall be bound by the provincial agreement made between an employee bar-

gaining agency representing the affiliated bargaining agent and the employer bargaining agency representing the employer.

(3) Where an affiliated bargaining agent obtains bargaining rights through certification or voluntary recognition in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, the employer, the affiliated bargaining agent, and the employees for whom the affiliated bargaining agent has obtained bargaining rights are bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent and an employer bargaining agency representing a provincial unit of employers in which the employer would have been included. Idem

(4) Notwithstanding subsection 1 of section 44, where, under the provisions of this section, an employer, affiliated bargaining agent or employees become bound by a provincial agreement after the agreement has commenced to operate, the agreement ceases to be binding on the employer, affiliated agent or employees in accordance with the terms thereof. When provincial agreement ceases to operate

133.—(1) An employee bargaining agency and an employer bargaining agency shall make only one provincial agreement for each designated trade or craft in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106. Agency shall make only one agreement

(2) Subject to subsection 1 of section 132, no person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency shall bargain for, attempt to bargain for, or conclude any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 1, and any collective agreement or other arrangement that does not comply with subsection 1 is null and void. No agreement other than provincial agreement

(3) Every provincial agreement made after this section comes into force and before the 30th day of April, 1979, expires on the 30th day of April, 1979. Expiry of provincial agreement

(4) Every provincial agreement made after the 30th day of April, 1979 shall contain an expiry date calculated biennially from the 30th day of April, 1979. Idem

Non-
application
of s. 43

134.—(1) Section 43 does not apply to a designated or accredited employer bargaining agency or a designated or certified employee bargaining agency.

Provincial
agreement
binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

Bargaining
agency
not to act
in bad
faith, etc.

135.—(1) A designated or certified employee bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of the affiliated bargaining agents in the provincial unit of affiliated bargaining agents for which it bargains, whether members of the designated or certified employee bargaining agency or not.

Idem

(2) A designated or accredited employer bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the provincial unit of employers for which it bargains, whether members of the designated or accredited employer bargaining agency or not.

Regulations

136.—(1) For the purpose of encouraging the co-ordination of bargaining, the Lieutenant Governor in Council may make regulations,

- (a) designating a co-ordinating agency;
- (b) establishing the constitution of a co-ordinating agency to provide for,
 - (i) the objects of the co-ordinating agency,
 - (ii) the appointment of a board of directors,
 - (iii) the fees to be paid by its members,
 - (iv) the duties, responsibilities and privileges of members, and

- (v) other matters necessary for the operation of the co-ordinating agency.

137. A co-ordinating agency and its members shall comply with the provisions of its constitution.

Constitution
to be
complied
with

138. Every employer bargaining agency shall be a member of the co-ordinating agency designated in the regulations to co-ordinate bargaining for employer bargaining agencies and shall pay the fees set out in the constitution of that co-ordinating agency.

Membership
in co-
ordinating
agency

139. No co-ordinating agency shall exercise, or purport to exercise, the bargaining rights held by an employer or employee bargaining agency.

Exercise of
bargaining
rights

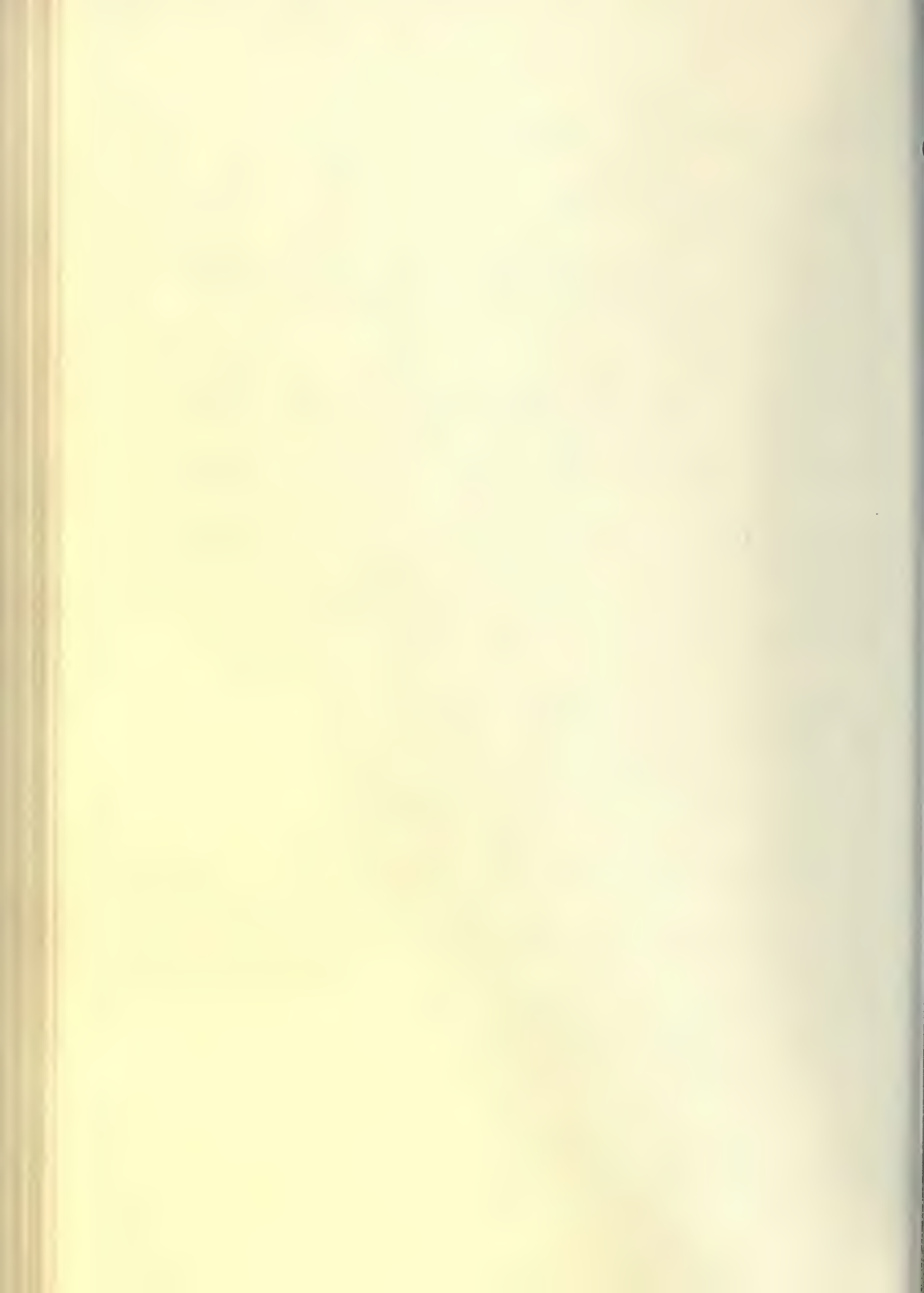
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Labour Relations Amendment Act, 1976*.

Commence-
ment

Short title







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BILL 176

An Act to amend
The Labour Relations Act

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

THE HON. B. STEPHENSON
Minister of Labour

(Reprinted for consideration by the Committee of the Whole House)



EXPLANATORY NOTES

SECTION 1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of the Act now read as follows:

(*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees;

(*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization;

(*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

The re-enactment of clause *e* adds the words "and includes a provincial agreement".

The re-enactment of clause *h* adds the words "and a designated or accredited employer bargaining agency".

The re-enactment of clause *n* adds the words "and a designated or certified employee bargaining agency".

In each instance the added words are complementary to the new sections 125 to 140 of the Act.

SECTION 2. The amendment is complementary to the new section 134 (3).

SECTION 3. The new sections 125 to 140 deal with province-wide bargaining in the industrial, commercial and institutional sector of the construction industry.

Section 125. The definitions are complementary to the new sections of the Act.

Section 126. Self-explanatory.

Section 127.—Subsection 1. The subsection provides that initially new bargaining agencies are to be designated by the Lieutenant Governor in Council to represent individual trades or crafts and employers of such trades or crafts in province-wide, multi-employer bargaining in the industrial, commercial and institutional sector of the construction industry.

Subsection 2. The subsection permits the Minister to convene a conference of trade unions and employers to advise in the selection of the appropriate bargaining agency.

Subsection 3. Self-explanatory.

Section 128. The section provides that a designated employee bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of employees in the trade or craft.

Section 129. The section provides that a designated employer bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of the employers in the trade or craft.

Section 130. The section provides that an employee bargaining agency, upon designation or replacement by the Ontario Labour Relations Board, has vested in it all the bargaining rights of the trade unions which represent the members of a particular trade or craft for the purpose of bargaining for a provincial agreement.

Section 131. The section provides that an employer bargaining agency, upon designation or replacement, has vested in it all the bargaining rights of employers for the purpose of bargaining for a provincial agreement.

Section 132. The section provides that existing collective agreements shall end according to their term of operation and are then replaced by the provincial agreements which will become binding upon employers, trade unions and employees in the trades or crafts covered by the provincial agreements.

Section 133. The section provides that a provincial agreement shall be the only agreement between employers and a designated trade or craft and any agreement or arrangement other than a provincial agreement shall be null and void.

The section further provides that all provincial agreements shall expire at the same time, April 30th, and shall be for a period of two years.

Section 134. The section sets out who is bound by a provincial agreement.

Section 135. The Ontario Labour Relations Board is empowered to determine whether work performed by employees is within the industrial, commercial and institutional sector of the construction industry.

Section 136. The section provides that an employee and an employer bargaining agency shall act in good faith with their members and the employers or unions they represent.

Section 137. The section provides that a co-ordinating agency of employer bargaining agencies may be designated and the constitution, etc., thereof, regulated by regulations made by the Lieutenant Governor in Council.

Section 138. Self-explanatory.

Section 139. Self-explanatory.

Section 140. Self-explanatory.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

s. 1(1)(*e, h, n*)
re-enacted

- (*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees, and includes a provincial agreement;
- (*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization and a designated or accredited employer bargaining agency;
- (*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national, or international trade union, a certified council of trade unions and a designated or certified employee bargaining agency.

s. 112a(1),
amended

2. Subsection 1 of section 112a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 76, section 30, is amended by striking out "either" in the third line and inserting in lieu thereof "a".

ss. 125-140,
enacted

3. The said Act is amended by adding thereto the following sections:

PROVINCE-WIDE BARGAINING

Interpre-
tation

125. In this section and in sections 126 to 140,

- (a) "affiliated bargaining agent" means a bargaining agent that, according to established trade union practice in the construction industry, represents employees who commonly bargain separately and apart from other employees and is subordinate or directly related to, or is, a provincial, national or international trade union, and includes an employee bargaining agency;
- (b) "bargaining", except when used in reference to an affiliated bargaining agent, means province-wide, multi-employer, bargaining in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106;
- (c) "co-ordinating agency" means an organization of employer bargaining agencies formed for purposes that include the co-ordination of bargaining and designated in the regulations;
- (d) "employee bargaining agency" means an organization of affiliated bargaining agents that are subordinate or directly related to the same provincial, national or international trade union, and that may include the parent or related provincial, national or international trade union, formed for purposes that include the representation of affiliated bargaining agents in bargaining and which may be a single provincial, national or international trade union;
- (e) "employer bargaining agency" means an employers' organization or group of employers' organizations formed for purposes that include the representation of employers in bargaining;
- (f) "provincial agreement" means an agreement in writing covering the whole of the Province of Ontario between a designated or accredited em-

ployer bargaining agency that represents employers, on the one hand, and a designated or certified employee bargaining agency that represents affiliated bargaining agents, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer bargaining agency, the employers represented by the employer bargaining agency and for whose employees the affiliated bargaining agents hold bargaining rights, the affiliated bargaining agents represented by the employee bargaining agency, or the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106.

126. Where there is conflict between any provision in sections 127 to 140 and any provision in sections 5 to 49 and 54 to 124, the provisions in sections 127 to 140 prevail.

Conflict

127.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may by order,

Designations
by Lieutenant
Governor in
Council

- (a) designate employee bargaining agencies to represent in bargaining provincial units of affiliated bargaining agents, and describe those provincial units;
- (b) designate employer bargaining agencies to represent in bargaining provincial units of employers for whose employees affiliated bargaining agents hold bargaining rights, and describe those provincial units.

(2) For the purpose of making recommendations under subsection 1, the Minister may convene a conference, or conferences, of trade unions, councils of trade unions, employers, and employers' organizations.

Minister
may
convene
conference

(3) *The Regulations Act* does not apply to an order made under subsection 1.

R.S.O. 1970,
c. 410
does not
apply

128.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employee bargaining agency, whether designated or not, may apply to the Board to be certified to represent in bargaining a provincial unit of affiliated bargaining agents.

Application
to Board
by employee
bargaining
agency

Certification
by Board

(2) Where the Board is satisfied that a majority of the affiliated bargaining agents falling within the provincial unit is represented by the employee bargaining agency and that such majority of affiliated bargaining agents holds bargaining rights for a majority of employees that would be bound by a provincial agreement, the Board shall certify the employee bargaining agency.

Application
to Board
by employer
bargaining
agency

129.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employer bargaining agency, whether designated or not, may apply to the Board to be accredited to represent in bargaining a provincial unit of employers for whose employees affiliated bargaining agents hold bargaining rights.

Accreditation
by Board

(2) Where the Board is satisfied that a majority of employers falling within the provincial unit is represented by the employer bargaining agency and that such majority of employers employ a majority of the employees for whom the affiliated bargaining agents hold bargaining rights, the Board shall accredit the employer bargaining agency.

Vesting of
rights,
duties and
obligations

130. Where an employee bargaining agency has been designated, or certified, to represent a provincial unit of affiliated bargaining agents, all rights, duties and obligations under this Act of the affiliated bargaining agents for which it bargains shall vest in the employee bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement.

Idem

131. Where an employer bargaining agency has been designated, or accredited, to represent a provincial unit of employers, all rights, duties and obligations under this Act of employers for which it bargains, and all rights, duties and obligations under this Act for an accredited employers' organization holding bargaining rights for employers falling within the provincial unit of employers, shall vest in the employer bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement.

Termination
of collective
agreement

132.—(1) Upon the coming into force of this section, every collective agreement in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and represented by affiliated bargaining agents, is enforceable by and binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provisions respecting its renewal.

(2) Where any collective agreement mentioned in subsection 1 ceases to operate, the affiliated bargaining agent, the employer and the employees for whom the affiliated bargaining agent holds bargaining rights shall be bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent and the employer bargaining agency representing the employer. Provincial agreement binding



(3) Where an affiliated bargaining agent obtains bargaining rights through certification or voluntary recognition in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, the employer, the affiliated bargaining agent, and the employees for whom the affiliated bargaining agent has obtained bargaining rights are bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent and an employer bargaining agency representing a provincial unit of employers in which the employer would have been included. Idem

(4) Notwithstanding subsection 1 of section 44, where, under the provisions of this section, an employer, affiliated bargaining agent or employees become bound by a provincial agreement after the agreement has commenced to operate, the agreement ceases to be binding on the employer, affiliated agent or employees in accordance with the terms thereof. When provincial agreement ceases to operate

133.—(1) An employee bargaining agency and an employer bargaining agency shall make only one provincial agreement for each provincial unit that it represents. Agency shall make only one agreement

(2) Subject to subsection 1 of section 132, no person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency shall bargain for, attempt to bargain for, or conclude any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 1, and any collective agreement or other arrangement that does not comply with subsection 1 is null and void. No agreement other than provincial agreement

(3) Every provincial agreement made after this section comes into force and before the 30th day of April, 1979, expires on the 30th day of April, 1979. Expiry of provincial agreement

Idem	(4) Every provincial agreement made after the 30th day of April, 1979 shall contain an expiry date calculated biennially from the 30th day of April, 1979.
Non-application of s. 43	134.—(1) Section 43 does not apply to a designated or accredited employer bargaining agency or a designated or certified employee bargaining agency.
Provincial agreement binding	(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause <i>e</i> of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.
Parties	 (3) Any employee bargaining agency, affiliated bargaining agent, employer bargaining agency and employer bound by a provincial agreement shall be considered to be a party for the purposes of section 112a.
Power of Board	135. The Board shall, upon the application of a trade union, council of trade unions, employer or employers' organization, determine any question that arises as to whether work performed or to be performed by employees is within the industrial, commercial and institutional sector of the construction industry referred to in clause <i>c</i> of section 106. 
Bargaining agency not to act in bad faith, etc.	136.—(1) A designated or certified employee bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of the affiliated bargaining agents in the provincial unit of affiliated bargaining agents for which it bargains, whether members of the designated or certified employee bargaining agency or not and in the representation of employees, whether members <u>of an affiliated bargaining agent or not.</u>
Idem	(2) A designated or accredited employer bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the provincial unit of employers for which it

bargains, whether members of the designated or accredited employer bargaining agency or not.

137. For the purpose of encouraging the co-ordination of bargaining, the Lieutenant Governor in Council may make regulations, Regulations

- (a) designating a co-ordinating agency;
- (b) establishing the constitution of a co-ordinating agency to provide for,
 - (i) the objects of the co-ordinating agency,
 - (ii) the appointment of a board of directors,
 - (iii) the fees to be paid by its members,
 - (iv) the duties, responsibilities and privileges of members, and
 - (v) other matters necessary for the operation of the co-ordinating agency.

138. A co-ordinating agency and its members shall comply with the provisions of its constitution. Constitution to be complied with

139. Every employer bargaining agency shall be a member of the co-ordinating agency designated in the regulations to co-ordinate bargaining for employer bargaining agencies and shall pay the fees set out in the constitution of that co-ordinating agency. Membership in co-ordinating agency

140. No co-ordinating agency shall exercise, or purport to exercise, the bargaining rights held by an employer bargaining agency. Exercise of bargaining rights

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Labour Relations Amendment Act, 1976*. Short title

BILL 176

An Act to amend
The Labour Relations Act

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

*(Reprinted for consideration by the
Committee of the Whole House)*

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Development Corporations Act, 1973**

MR. MACKENZIE

EXPLANATORY NOTE

This Bill provides that where financial support is given under *The Development Corporations Act, 1973* to a person for purposes of relocating an industrial undertaking, that person shall give his employees the option to continue employment at the relocated industrial site and pay the relocation costs of those employees choosing to relocate.

BILL 177

1976

**An Act to amend
The Development Corporations Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Development Corporations Act, 1973*, being ^{s. 12,} chapter 84, as amended by the Statutes of Ontario, 1973, ^{amended} chapter 125, section 2 and 1975 (2nd Session), chapter 10, section 5, is further amended by adding thereto the following subsection:

(1a) Where a corporation lends money or guarantees the payment of a loan or any part thereof to be used in connection with a relocation of an industrial undertaking in Ontario, any employer receiving such loan or guarantee under subsection 1 shall give his employees the option to continue their employment at the relocated industrial site and, where an employee chooses to relocate, pay his relocation costs. ^{Option of continuing employment as a condition of loan or guarantee for relocation of an industrial undertaking}
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Development Corporations Amendment Act, 1976*. ^{Short title}

An Act to amend
The Development Corporations
Act, 1973

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Workmen's Compensation Act**

MR. BAIN

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsection 7 of section 42 of the Act at present reads as follows:

- (7) *A dependant of an employee who was, at the time of his or her death, in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for his or her death, would have been in receipt of an award for permanent disability at the rate of 100 per cent is entitled to compensation as if the death of the employee had resulted from the compensable disability for which he or she received or would have received the permanent disability award.*

The amendment deletes the underlined words thereby having the effect of extending compensation entitlement for pension purposes to include less than 100 per cent disability allowances.

SECTION 2. The new section 99a entitles an employee reasonable access to materials relating to that employee filed with the Board.

SECTION 3. Subsection 1 of section 118 of the Act at present reads as follows:

- (1) *Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease.*

The amendment deletes the words underlined thereby removing the disablement prerequisite from entitlement to compensation and permitting compensation for any occurrence of an industrial disease caused by his employment.

BILL 178

1976

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 42 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, is amended by striking out "which the Board has rated at 100 per cent" in the third line and "at the rate of 100 per cent" in the fifth line. s. 42 (7),
amended

2. The said Act is amended by adding thereto the following section: s. 99a,
enacted

99a. Notwithstanding section 99, nothing in this Act shall be deemed to preclude an employee or his agent from having reasonable access to all reports and other materials filed with the Board concerning that employee. Employee
granted
access to
materials
filed with
the Board
re the
employee

3. Subsection 1 of section 118 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 9, is amended by striking out "and is thereby disabled" in the second line and "and the disablement was the happening of the accident" in the seventh and eighth lines. s. 118 (1),
amended

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Workmen's Compensation Amendment Act, 1976*. Short title

BILL 178

An Act to amend
The Workmen's Compensation Act

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

MR. BAIN

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Social Referral Services

MR. CUNNINGHAM

EXPLANATORY NOTE

This Bill deals with social referral services providing for the inclusion of standard terms as to vendor's duty, cancellation and the confidentiality and returning of personal information in social contracts and the limiting of their cost and duration.

BILL 179

1976

An Act respecting Social Referral Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "purchaser" means a purchaser of a social contract;
 - (b) "social contract" means a contract for social referral services;
 - (c) "social referral services" include any service for a fee providing the matching of members of the opposite sex, by use of a computer or other means, for the purposes of dating and general social contact;
 - (d) "vendor" means a vendor of a social contract.
2. No social contract shall require any payment in excess of \$250. Limitation
re fee
3. No social contract shall extend over a period greater than two years. Limitation
re
duration
of contract
4. Every social contract requiring payment in excess of \$25 shall stipulate, Provisions
re social
contracts
 - (a) that the vendor shall provide the purchaser with a specified number of monthly social referrals;
 - (b) that if the vendor fails to comply with clause *a* for two or more successive months, the purchaser may cancel the social contract; and
 - (c) that if the purchaser cancels the social contract under clause *c*, the purchaser receives from the vendor a refund of all moneys paid pursuant to the social contract less 5 per cent of the contract price.

- Idem** **5.** Every social contract shall provide that the vendor will not, without the prior written authorization of the purchaser, sell, assign or otherwise transfer any information or personal or private material acquired from a purchaser, directly or indirectly, including answers to tests and questionnaires, photographs and background information.
- Idem** **6.** Every social contract shall provide that within thirty days of the expiration or cancellation of the contract, the vendor shall return to the purchaser by registered mail all information and personal or private material acquired from the purchaser, directly or indirectly, including answers to tests and questionnaires, photographs and background information.
- Limitation
re
vendor** **7.** No vendor shall sell or offer for sale a social contract that does not comply with this Act.
- Offence** **8.** Every person who contravenes any provision of this Act and every director or officer of a corporation who concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.
- Corporation** **9.** Where a corporation is convicted of an offence under section 8, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.
- Commence-
ment** **10.** This Act comes into force on the day it receives Royal Assent.
- Short title** **11.** This Act may be cited as *The Social Referral Services Act, 1976*.





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BILL 179

An Act respecting
Social Referral Services

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

MR. CUNNINGHAM

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Workmen's Compensation Act**

MR. DI SANTO

EXPLANATORY NOTE

This Bill requires that employers with twenty or more employees hire injured workers with permanent partial disabilities.

BILL 180

1976

**An Act to amend
The Workmen's Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Workmen's Compensation Act*, being chapter ^{s. 42, amended} 505 of the Revised Statutes of Ontario, 1970, as amended by 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:

(5a) Every employer with twenty or more employees ^{Hiring injured workers with permanent partial disabilities} shall hire a minimum of 3 per cent of his employees from injured workers with permanent partial disabilities.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Workmen's Compensation* ^{Short title} *Amendment Act, 1976*.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

MR. DI SANTO

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Pension Benefits Act

MR. DI SANTO

EXPLANATORY NOTE

This Bill permits the employees to accumulate pension benefits while unemployed due to disablement.

BILL 181

1976

An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 24a,
enacted

24a.—(1) Notwithstanding any other provision of this Act or the regulations, an injured employee shall accumulate pension credits during any period that the employee is unable to work due to a total temporary disability, a total permanent disability, or a partial permanent disability. Injured
employees
to
accumulate
pension
credits while
unemployed
due to
disability

(2) For the purpose of subsection 1, "employee" means an employee of a person or association from whom the employee receives his remuneration but does not include an employee of Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality or the local boards thereof. "employee"
defined
R.S.O. 1970,
c. 118

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Pension Benefits Amendment Act, 1976*. Short title

An Act to amend
The Pension Benefits Act

1st Reading

December 2nd, 1976

2nd Reading

3rd Reading

MR. DI SANTO

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Workmen's Compensation Act**

MR. LUPUSELLA

EXPLANATORY NOTE

This Bill provides for a 10 per cent increase in the amount payable on an award for a permanent disability as of the 1st day of December, 1976 and, as of the same date, the introduction of an annual increase in that award based on the current Consumer Price Index for Canada.

BILL 182

1976

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 42 of *The Workmen's Compensation Act*, being ^{s. 42, amended} chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsections:

(8c) The amounts payable under this section shall be ^{Increase in} increased by adding thereto 10 per cent thereof, effective ^{payments} on the 1st day of December, 1976.

(8d) The amounts payable under this section shall be ^{Idem} increased each year by adding thereto a percentage increase based on the increase in the Consumer Price Index for Canada for that year to be calculated and added on the 1st day of December in each and every year.

- (2) Subsection 9 of the said section 42, as re-enacted by the ^{s. 42 (9), re-enacted} Statutes of Ontario, 1975, chapter 47, section 6, is repealed and the following substituted therefor:

(9) Subsections 8, 8a, 8b, 8c and 8d do not apply to a ^{Non-application of} commutation lump sum award, an award under subsection ^{subss. 4, 6, 8-8d,} 4 or 6 of this section or an award under clause ^{s. 43 (b)} b of section 43 which the Board has made under this Part.

- (3) The said section 42 is further amended by adding ^{s. 42, amended} thereto the following subsection:

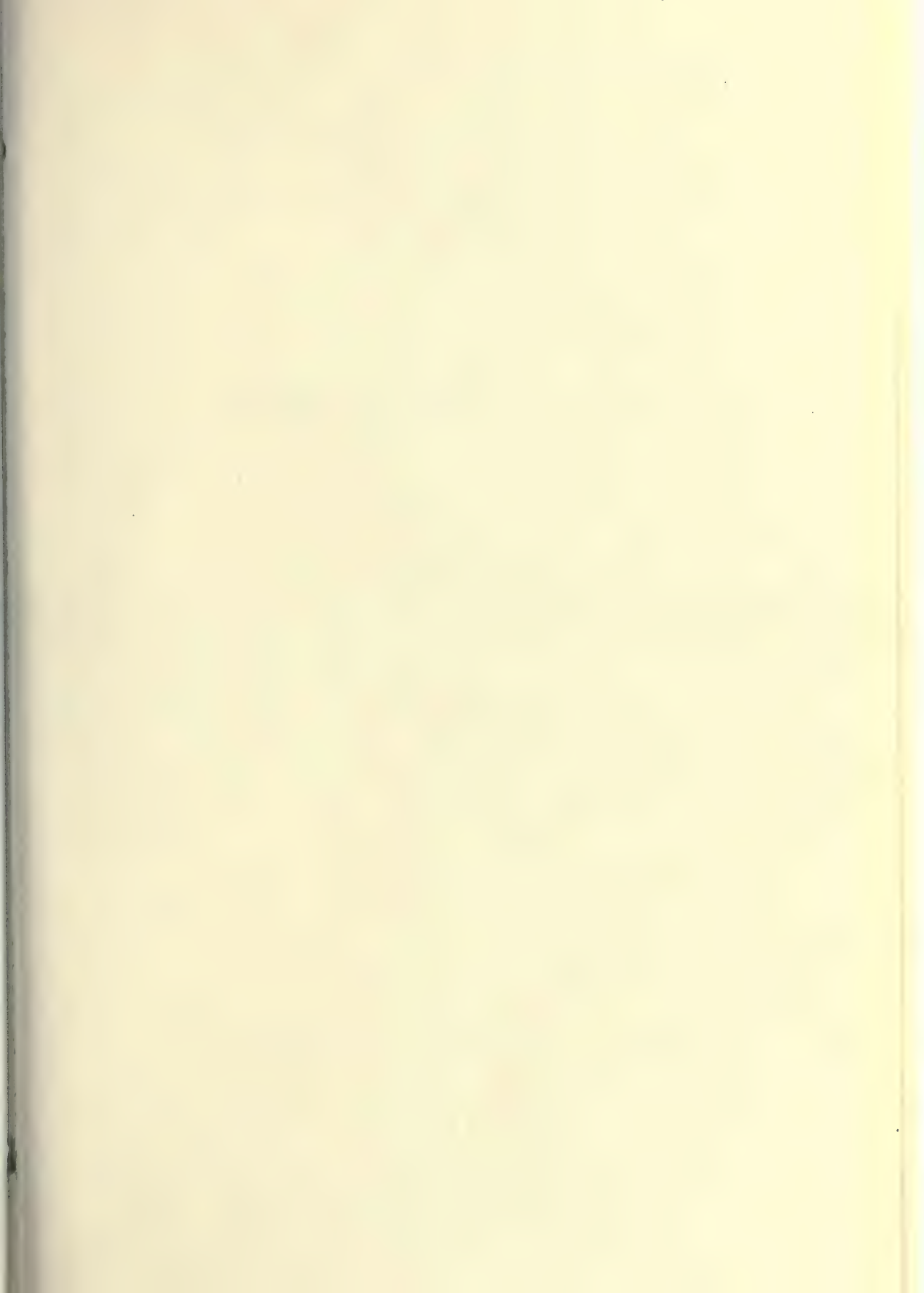
(10a) Subsections 8c and 8d apply to monthly payments <sup>Applica-
tion of
subss. 8c, 8d</sup> accruing on or after the 1st day of December, 1976.

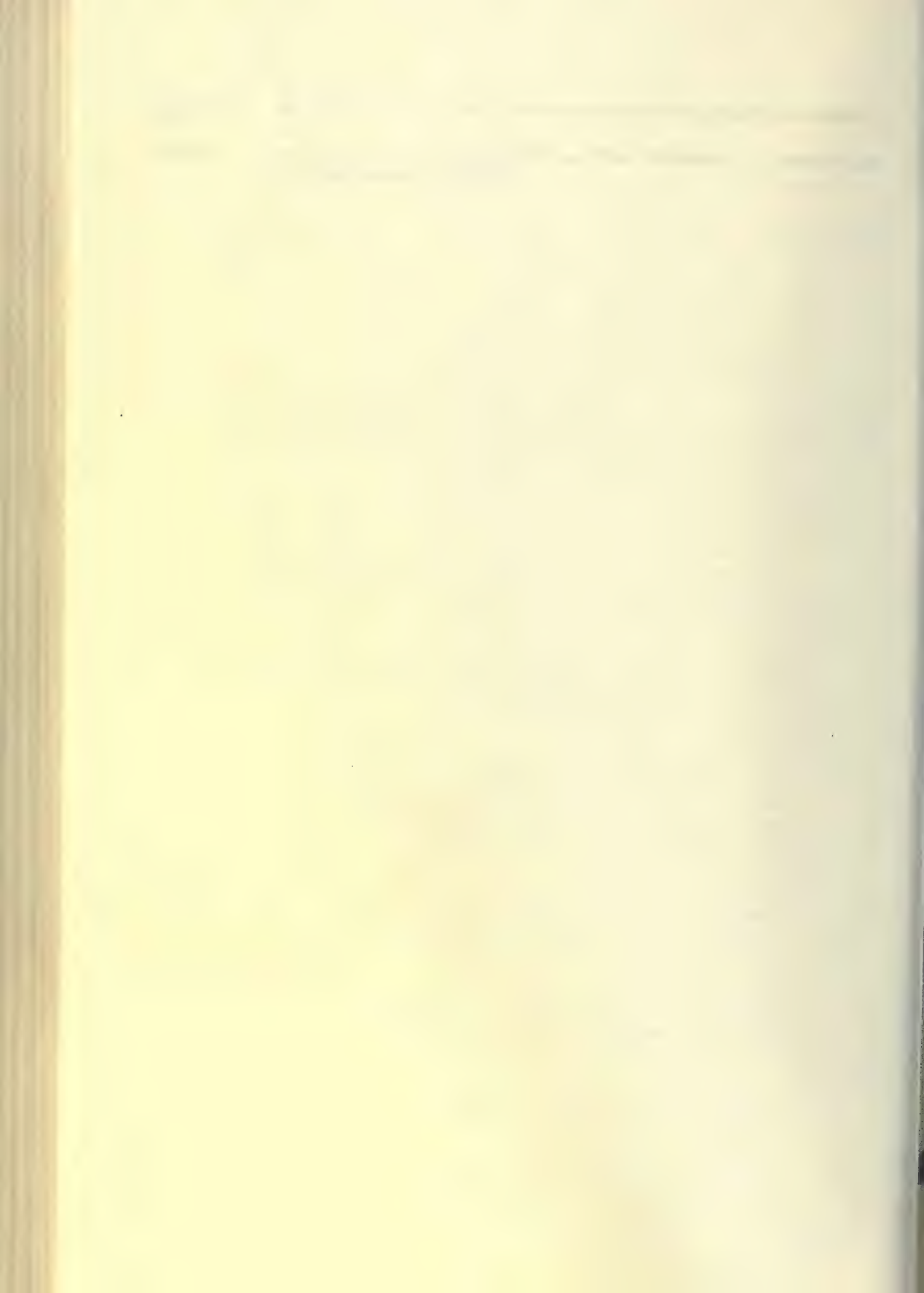
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1976*.





Number of fish taken in each lake
 (see also Appendix I, p. 100)

Number of fish taken in each lake
 (see also Appendix I, p. 100)

Lake	Number of fish taken in each lake					Total
	1	2	3	4	5	
1	1	1	1	1	1	5
2	1	1	1	1	1	5
3	1	1	1	1	1	5
4	1	1	1	1	1	5
5	1	1	1	1	1	5
6	1	1	1	1	1	5
7	1	1	1	1	1	5
8	1	1	1	1	1	5
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An Act to amend
The Workmen's Compensation Act

1st Reading

, December 6th, 1976

2nd Reading

3rd Reading

MR. LUPUSELLA

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Municipal Elections Act, 1972**

MR. SWART

EXPLANATORY NOTE

This Bill requires that an employer give his employees three consecutive hours within which an employee may exercise his voting privileges in an election under *The Municipal Elections Act, 1972* and so extends to these elections the same time-off provisions as exist in *The Election Act* in relation to a provincial election.

BILL 183

1976

**An Act to amend
The Municipal Elections Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Elections Act, 1972*, being chapter 95, is ^{s. 63a, enacted} amended by adding thereto the following section:

63a.—(1) Where, by reason of the hours of his employment, an employee who is an elector will not have three consecutive hours to vote while the polls are open on a polling day at an election; his employer shall, at the convenience of the employer, allow the employee such time for voting as is necessary to provide the three consecutive hours. ^{Employees to have three consecutive hours for voting}

(2) No employer shall make any deduction from the pay of any such employee or exact from him any penalty by reason of absence from his work during the time allowed by the employer for voting. ^{Deduction from pay prohibited}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Municipal Elections Amendment Act, 1976*. ^{Short title}

An Act to amend
The Municipal Elections Act, 1972

1st Reading

December 7th, 1976

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Labour Relations Act

MR. STONG

EXPLANATORY NOTE

This Bill establishes a bargaining unit of hospital pharmacists as an appropriate unit for collective bargaining.

BILL 184

1976

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 76, section 3, is further amended by adding thereto the following subsection:

(5) A bargaining unit consisting solely of hospital pharmacists shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but the Board may include hospital pharmacists in a bargaining unit with other employees if the Board is satisfied that a majority of such hospital pharmacists wish to be included in such bargaining unit.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Labour Relations Amendment Act, 1976*.

s. 6,
amendedUnit of
hospital
pharmacistsCommence-
ment

Short title

An Act to amend
The Labour Relations Act

1st Reading

December 7th, 1976

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Election Act

MR. STONG

EXPLANATORY NOTE

This Bill expands the qualification to vote by proxy from those engaged in the business of transportation to those whose employment requires that they be out of Ontario during the election period.

BILL 185

1976

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 35 of *The Election Act*, ^{s. 35 (1) (b), re-enacted} being chapter 142 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of the requirement of his employment to be outside the province of Ontario; or

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Election Amendment Act, 1976*. ^{Short title}

BILL 185

An Act to amend
The Election Act

1st Reading

December 7th, 1976

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Consumer Information

MR. CUNNINGHAM

EXPLANATORY NOTE

This Bill provides for:

- (1) the mandatory disclosure of information regarding a material defect or the malfunctioning of a product,
- (2) the prohibition of the manufacturing, selling or distributing of an unsafe product,
- (3) manufacturer research into the safety and functioning of products,
- (4) the reimbursement for, replacing of or repairing of a defective, malfunctioning or unsafe product by the manufacturer of that product.

BILL 186

1976

An Act respecting Consumer Information

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Consumer and Commercial Relations;

(b) "prescribe" means prescribe by regulation;

(c) "regulation" means a regulation made under this Act.

Duty on
distributor
and vendor
to ensure
material
defect or
malfunction-
ing
identified
as
prescribed

2. No person shall distribute, offer for sale, or sell any product found containing a material defect or malfunctioning without identifying such condition in the form and manner prescribed.

Prohibition
re
distributing
or selling,
etc., an
unsafe
product

3. No person shall distribute, offer for sale, or sell any product found unsafe.

4. No person shall manufacture any product found unsafe or containing a material defect or malfunctioning.

Prohibition
re
manufactur-
ing an unsafe,
defective or
malfunction-
ing product

5. Every manufacturer shall conduct research into the safety and functioning of all products manufactured by that manufacturer.

Duty on
manufacturer
to conduct
research

6. Where a manufacturer has manufactured a product that is found unsafe or to contain a material defect or malfunctioning and that product was sold contrary to section 2 or 3, the manufacturer shall,

Manu-
facturer's
duty to
consumer
re an unsafe,
malfunction-
ing or
defective
product

(a) reimburse any distributor or consumer in possession of such product with the equivalent cash value paid for the product;

(b) replace such product with a similar but safe, free from defect, properly functioning product; or

(c) render the product safe, repair the defect and correct the malfunctioning.

Offence **7.** Every person who knowingly contravenes any provision of this Act or the regulations, and every director or officer of a corporation who knowingly concurs in such contravention, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation **8.** Where a corporation is convicted of an offence under section 7, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Regulations **9.** The Minister shall make regulations governing the form, manner and content of identifying material defects or malfunctionings in products manufactured and distributed, offered for sale or sold in Ontario.

**Commence-
ment** **10.** This Act comes into force on the day it receives Royal Assent.

Short title **11.** This Act may be cited as *The Consumer Information Act, 1976*.





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The first two are the same as the first two.

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BILL 100

An Act respecting
Consumer Information

1st Reading

December 9th, 1976

2nd Reading

3rd Reading

MR. CUNNINGHAM

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Adds Part III-A to the Act and provides for the establishment of a regional public transportation system. The Regional Corporation is authorized to acquire all the shares of The Hamilton Street Railway Company (such acquisition to carry with it the ownership and control of two wholly-owned subsidiary companies; The Canada Coach Lines Limited and Safety Service and Adjusters Limited). Upon such acquisition of shares by the Regional Corporation, the Hamilton Transit Commission, the present operating commission, is dissolved and thereafter the Regional Corporation is the sole authority (saving any public transportation operator duly licensed therefor on January 1st, 1977) that may operate a public transportation service within the Urban Transit Service Area of the Regional Area. Initially, the Regional Council will appoint a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission" composed of nine members of the Regional Council and the chairman of the Council, *ex officio*; five members will be from Hamilton City and four from the other area municipalities. That Commission will operate and manage the public transportation system in accordance with the powers and duties to be delegated to it by the Regional Council. The Commission is dissolved on the 31st day of December, 1979 and thereafter management and control will be the direct responsibility of the Regional Council.

Ancillary matters dealt with in the Bill include the designation of an Urban Transit Area within the Regional Area, the method of apportioning amongst the area municipalities the cost of any operating deficit incurred and the provision of transportation services to areas outside the Urban Transit Area.

BILL 187

1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, ^{Part III-A (ss. 53a-53k), enacted} being chapter 74, is amended by adding thereto the following Part:

PART III-A

PUBLIC TRANSPORTATION SYSTEM

53a. In this Part,

Interpre-
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;
- (e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;

- (f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;
- (g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;
- (h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;
- (i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;
- (j) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister.

Public
transporta-
tion system
authorized

53b.—(1) The Regional Corporation is authorized to establish a public transportation system.

Regional
Corporation
may acquire
shares of
Company

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection 9, and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

Board of
Directors
dissolved

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection 2.

Existing
debt

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 12 per cent per annum thereof from such date until payment is made.

Commission
dissolved

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection 2.

(6) No area municipality, except with the prior written approval of the Regional Corporation, shall establish a public transportation service after the day of the passing of the by-law under subsection 2.

Area municipality not to establish transportation service

(7) Subject to subsection 5 of section 53*h*, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws.

Public transportation service, approval of Regional Council

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to *The Public Vehicles Act*, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area.

Saving

R.S.O. 1970, c. 392

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under *The Arbitrations Act*.

Disposal of assets

R.S.O. 1970, c. 25

(10) Public transportation service operated by the Company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part shall continue but may be modified or varied by agreement between the Regional Council and the council of an area municipality.

Public transportation services to be continued

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost of the provision of such service, the matter shall be submitted to the Municipal Board for determination.

Public transportation service outside Urban Transit Area

(12) Subsection 5 of section 5 of *The Public Vehicles Act* does not apply to the acquisition of the shares of the Company under this section.

R.S.O. 1970, c. 392, s. 5 (5), not to apply

53*c*.—(1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation

Management, regulation and control of Company by Regional Council

in accordance with subsection 2 of section 53b shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

Board of
Directors and
Regional
Municipality
of Hamilton-
Wentworth
Transit
Commission

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the Chairman of the Regional Council, *ex officio*, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

Operation and
management
of Transporta-
tion System

(3) The Commission established under subsection 2 shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

Commission
dissolved

(4) The Commission established under subsection 2 is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System, but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

Borrowing
powers

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service.

Urban Transit
Area

53d.—(1) The City of Hamilton is established as the Urban Transit Area.

Alteration
of Urban
Transit Area

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister.

53e.—(1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area.

Levy for
deficit
within
Urban
Transit
Area

(2) The Regional Council may in its levy under subsection 1 of section 81 include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 11 of section 53b, and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment.

Levy
under
s. 81 (1)

(3) The provisions of section 81 pertaining to equalized assessment apply *mutatis mutandis* to the calculation of any levy made under this Part.

Application
of s. 81

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection 1 give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

Notice of
by-law and
appeal to
O.M.B.

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection 1, or under an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

Levy of
special rate
by area
municipality

(6) Where a special rate is levied under subsection 5, such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes.

Deemed
tax

Parking
lots

53f.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

Powers of
Regional
Council

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

R.S.O. 1970,
c. 392

(c) subject to *The Public Vehicles Act*, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate.

Auditors

53g.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

Non-
application
of
R.S.O. 1970,
c. 289

(2) *The Municipal Franchises Act* does not apply to the public transportation service operated by the Regional Corporation within the Regional Area.

Application
for
establish-
ment of Urban
Transit
Service
Area

53h.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Area
municipality
deemed urban
municipality

(2) Each area municipality shall, subject to subsection 1, be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Establish-
ment of Urban
Transit
Service
Area

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon.

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under *The Public Vehicles Act* that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board.

Parties to
hearing
R.S.O. 1970,
c. 392

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator.

Existing
rights
not affected

53i. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of *The Public Vehicles Act*.

Exemption
from
R.S.O. 1970,
c. 392

53j.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated.

General
powers

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to,

Reduced fares
or free
transporta-
tion

(a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or

(b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine.

53k. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary

Minister may
dissolve
Company and
subsidiary
company

company, on such terms and conditions as he considers advisable.

s. 115 (4),
amended

2.—(1) Subsection 4 of section 115 of the said Act is amended by striking out “paragraphs 90 and 116” in the second line and inserting in lieu thereof “paragraph 116”.

s. 115 (9, 10),
repealed

(2) Subsections 9 and 10 of the said section 115 are repealed.

Repeals

3. The following are repealed:

1. *The City of Hamilton Act, 1960*, being chapter 142.
2. Section 1 of *The City of Hamilton Act, 1966*, being chapter 171.
3. Section 2 of *The City of Hamilton Act, 1970*, being chapter 153.
4. Section 1 of *The City of Hamilton Act, 1971*, being chapter 113.
5. Section 3 of *The City of Hamilton Act, 1973*, being chapter 191.
6. *The City of Hamilton Act, 1974*, being chapter 143.
7. Section 2 of *The City of Hamilton Act, 1975*, being chapter 97.

Commence-
ment

4. This Act comes into force on the 1st day of January, 1977.

Short title

5. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1976*.

SECTION 2. The provisions being repealed confer a general authority on the Regional Corporation to establish a public bus transportation service; in the light of the detailed procedures set out in section 1 of the Bill in that regard, those provisions are now inappropriate.

BILL 187

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

December 10th, 1976

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

((Government Bill))

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Adds Part III-A to the Act and provides for the establishment of a regional public transportation system. The Regional Corporation is authorized to acquire all the shares of The Hamilton Street Railway Company (such acquisition to carry with it the ownership and control of two wholly-owned subsidiary companies: The Canada Coach Lines Limited and Safety Service and Adjusters Limited). Upon such acquisition of shares by the Regional Corporation, the Hamilton Transit Commission, the present operating commission, is dissolved and thereafter the Regional Corporation is the sole authority (saving any public transportation operator duly licensed therefor on January 1st, 1977) that may operate a public transportation service within the Urban Transit Service Area of the Regional Area. Initially, the Regional Council will appoint a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission" composed of nine members of the Regional Council and the chairman of the Council, *ex officio*; five members will be from Hamilton City and four from the other area municipalities. That Commission will operate and manage the public transportation system in accordance with the powers and duties to be delegated to it by the Regional Council. The Commission is dissolved on the 31st day of December, 1979 and thereafter management and control will be the direct responsibility of the Regional Council.

Ancillary matters dealt with in the Bill include the designation of an Urban Transit Area within the Regional Area, the method of apportioning amongst the area municipalities the cost of any operating deficit incurred and the provision of transportation services to areas outside the Urban Transit Area.

BILL 187

1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, Part III-A (ss. 53a-53k), enacted being chapter 74, is amended by adding thereto the following Part:

PART III-A

PUBLIC TRANSPORTATION SYSTEM

53a. In this Part,

Interpre-
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;
- (e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;

- (f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;
- (g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;
- (h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;
- (i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;
- (j) "Urban Transit Area" means the City of Hamilton or such greater area as may from time to time be defined by the Minister;
- (k) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister.

Public
transporta-
tion system
authorized

53b.—(1) The Regional Corporation is authorized to establish a public transportation system.

Regional
Corporation
may acquire
shares of
Company

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection 9, and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

Board of
Directors
dissolved

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection 2.

Existing
debt

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on

or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 12 per cent per annum thereof from such date until payment is made.

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection 2. Commission dissolved

(6) No area municipality, except with the prior written approval of the Regional Corporation, shall establish a public transportation service after the day of the passing of the by-law under subsection 2. Area municipality not to establish transportation service

(7) Subject to subsection 5 of section 53*h*, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws. Public transportation service, approval of Regional Council

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to *The Public Vehicles Act*, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area. Saving R.S.O. 1970, c. 392

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under *The Arbitrations Act*. Disposal of assets R.S.O. 1970, c. 25

(10) Public transportation service operated by the Company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied. Public transportation services to be continued

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost of the provision of such service, the matter shall be submitted to the Municipal Board for determination. Public transportation service outside Urban Transit Area

R.S.O. 1970,
c. 392,
s. 5 (5),
not to apply

(12) Subsection 5 of section 5 of *The Public Vehicles Act* does not apply to the acquisition of the shares of the Company under this section.

Terms of
employment
continued

(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits, holidays with pay and superannuation benefits existing on the 1st day of January, 1977, between the Company or the subsidiary company on the one hand and the employees of the Company or the subsidiary company on the other hand remain in force and are binding upon the Regional Corporation and the Board of Directors established under subsection 2 of section 53c, for the remainder of the term of any subsisting agreement or agreements in that regard.

Management,
regulation
and control
of Company
by Regional
Council

53c.—(1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation in accordance with subsection 2 of section 53b shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

Board of
Directors and
Regional
Municipality
of Hamilton-
Wentworth
Transit
Commission

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the Chairman of the Regional Council, *ex officio*, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

Operation and
management
of Transporta-
tion System

(3) The Commission established under subsection 2 shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

Commission
dissolved

(4) The Commission established under subsection 2 is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System,

but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service. ^{Borrowing powers}

53d.—(1) The City of Hamilton is established as the Urban Transit Area. ^{Urban Transit Area}

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister. ^{Alteration of Urban Transit Area}

53e.—(1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment. ^{Levy for deficit against area municipalities within Urban Transit Area}

(2) The Regional Council may in its levy under sub-section 1 of section 81 include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 11 of section 53b. ^{Levy under s. 81 (1)}

(3) The provisions of section 81 pertaining to equalized assessment apply *mutatis mutandis* to the calculation of any levy made under this Part. ^{Application of s. 81}

Notice of
by-law and
appeal to
O.M.B.

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection 1 give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

Levy of
special rate
by area
municipality

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection 1, or under an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

Deemed
tax

(6) Where a special rate is levied under subsection 5, such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes.

Parking
lots

53f.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

Powers of
Regional
Council

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

R.S.O. 1970.
c. 392

(c) subject to *The Public Vehicles Act*, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate.

Auditors

53g.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

(2) *The Municipal Franchises Act* does not apply to the public transportation service operated by the Regional Corporation within the Regional Area.

Non-application
of
R.S.O. 1970,
c. 289

53h.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Application
for
establish-
ment of Urban
Transit
Service
Area

R.S.O. 1970,
c. 392

(2) Each area municipality shall, subject to subsection 1, be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Area
municipality
deemed urban
municipality

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon.

Establish-
ment of Urban
Transit
Service
Area

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under *The Public Vehicles Act* that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board.

Parties to
hearing

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator.

Existing
rights
not affected

53i. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of *The Public Vehicles Act*.

Exemption
from
R.S.O. 1970,
c. 392

53j.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the

General
powers

right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated.

Reduced fares
or free
transporta-
tion

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to,

(a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or

(b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine.

Minister may
dissolve
Company and
subsidiary
company

53k. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary company, on such terms and conditions as he considers advisable.

s. 115 (4),
amended

2.—(1) Subsection 4 of section 115 of the said Act is amended by striking out "paragraphs 90 and 116" in the second line and inserting in lieu thereof "paragraph 116".

s. 115 (9, 10),
repealed

(2) Subsections 9 and 10 of the said section 115 are repealed.

Repeals

3. The following are repealed:

1. *The City of Hamilton Act, 1960*, being chapter 142.
2. Section 1 of *The City of Hamilton Act, 1966*, being chapter 171.
3. Section 2 of *The City of Hamilton Act, 1970*, being chapter 153.
4. Section 1 of *The City of Hamilton Act, 1971*, being chapter 113.
5. Section 3 of *The City of Hamilton Act, 1973*, being chapter 191.
6. *The City of Hamilton Act, 1974*, being chapter 143.

SECTION 2. The provisions being repealed confer a general authority on the Regional Corporation to establish a public bus transportation service; in the light of the detailed procedures set out in section 1 of the Bill in that regard, those provisions are now inappropriate.



7. Section 2 of *The City of Hamilton Act, 1975*,
being chapter 97.

4. This Act comes into force on the 1st day of January, 1977. Commence-
ment
5. This Act may be cited as *The Regional Municipality of* Short title
Hamilton-Wentworth Amendment Act, 1976.



BILL 187

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

December 10th, 1976

2nd Reading

December 14th, 1976

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 187

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Regional Municipality of Hamilton-Wentworth Act, 1973

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 187

1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding thereto the following Part: Part III-A
(ss. 53a-53k),
enacted

PART III-A

PUBLIC TRANSPORTATION SYSTEM

53a. In this Part,

Interpre-
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;
- (e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;

- (f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;
- (g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;
- (h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;
- (i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;
- (j) "Urban Transit Area" means the City of Hamilton or such greater area as may from time to time be defined by the Minister;
- (k) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister.

Public
transporta-
tion system
authorized

53b.—(1) The Regional Corporation is authorized to establish a public transportation system.

Regional
Corporation
may acquire
shares of
Company

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection 9, and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

Board of
Directors
dissolved

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection 2.

Existing
debt

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on

or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 12 per cent per annum thereof from such date until payment is made.

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection 2. Commission dissolved

(6) No area municipality, except with the prior written approval of the Regional Corporation, shall establish a public transportation service after the day of the passing of the by-law under subsection 2. Area municipality not to establish transportation service

(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws. Public transportation service, approval of Regional Council

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to *The Public Vehicles Act*, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area. Saving R.S.O. 1970, c. 392

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under *The Arbitrations Act*. Disposal of assets R.S.O. 1970, c. 25

(10) Public transportation service operated by the Company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied Public transportation services to be continued

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost of the provision of such service, the matter shall be submitted to the Municipal Board for determination. Public transportation service outside Urban Transit Area

R.S.O. 1970,
c. 392,
s. 5 (5),
not to apply

(12) Subsection 5 of section 5 of *The Public Vehicles Act* does not apply to the acquisition of the shares of the Company under this section.

Terms of
employment
continued

(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits, holidays with pay and superannuation benefits existing on the 1st day of January, 1977, between the Company or the subsidiary company on the one hand and the employees of the Company or the subsidiary company on the other hand remain in force and are binding upon the Regional Corporation and the Board of Directors established under subsection 2 of section 53c, for the remainder of the term of any subsisting agreement or agreements in that regard.

Management,
regulation
and control
of Company
by Regional
Council

53c.—(1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation in accordance with subsection 2 of section 53b shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

Board of
Directors and
Regional
Municipality
of Hamilton-
Wentworth
Transit
Commission

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the Chairman of the Regional Council, *ex officio*, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

Operation and
management
of Transporta-
tion System

(3) The Commission established under subsection 2 shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

Commission
dissolved

(4) The Commission established under subsection 2 is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System,

but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service. ^{Borrowing powers}

53d.—(1) The City of Hamilton is established as the Urban Transit Area. ^{Urban Transit Area}

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister. ^{Alteration of Urban Transit Area}

53e.—(1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment. ^{Levy for deficit against area municipalities within Urban Transit Area}

(2) The Regional Council may in its levy under subsection 1 of section 81 include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 11 of section 53b. ^{Levy under s. 81 (1)}

(3) The provisions of section 81 pertaining to equalized assessment apply *mutatis mutandis* to the calculation of any levy made under this Part. ^{Application of s. 81}

Notice of
by-law and
appeal to
O.M.B.

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection 1 give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

Levy of
special rate
by area
municipality

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection 1, or under an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

Deemed
tax

(6) Where a special rate is levied under subsection 5, such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes.

Parking
lots

53f.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

Powers of
Regional
Council

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

R.S.O. 1970,
c. 392

(c) subject to *The Public Vehicles Act*, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate.

Auditors

53g.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

(2) *The Municipal Franchises Act* does not apply to the public transportation service operated by the Regional Corporation within the Regional Area.

Non-application
of
R.S.O. 1970,
c. 289

53h.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Application
for
establish-
ment of Urban
Transit
Service
Area

R.S.O. 1970,
c. 392

(2) Each area municipality shall, subject to subsection 1, be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Area
municipality
deemed urban
municipality

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon.

Establish-
ment of Urban
Transit
Service
Area

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under *The Public Vehicles Act* that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board.

Parties to
hearing

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator.

Existing
rights
not affected

53i. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of *The Public Vehicles Act*.

Exemption
from
R.S.O. 1970,
c. 392

53j.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the

General
powers

right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated.

Reduced fares
or free
transporta-
tion

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to,

- (a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or
- (b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine.

Minister may
dissolve
Company and
subsidiary
company

53*k*. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary company, on such terms and conditions as he considers advisable.

s. 115 (4),
amended

2.—(1) Subsection 4 of section 115 of the said Act is amended by striking out “paragraphs 90 and 116” in the second line and inserting in lieu thereof “paragraph 116”.

s. 115 (9, 10),
repealed

(2) Subsections 9 and 10 of the said section 115 are repealed.

Repeals

3. The following are repealed:

1. *The City of Hamilton Act, 1960*, being chapter 142.
2. Section 1 of *The City of Hamilton Act, 1966*, being chapter 171.
3. Section 2 of *The City of Hamilton Act, 1970*, being chapter 153.
4. Section 1 of *The City of Hamilton Act, 1971*, being chapter 113.
5. Section 3 of *The City of Hamilton Act, 1973*, being chapter 191.
6. *The City of Hamilton Act, 1974*, being chapter 143.

7. Section 2 of *The City of Hamilton Act, 1975*,
being chapter 97.

4. This Act comes into force on the 1st day of January, 1977. Commence-
ment
5. This Act may be cited as *The Regional Municipality of* Short title
Hamilton-Wentworth Amendment Act, 1976.

BILL 187

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

December 10th, 1976

2nd Reading

December 14th, 1976

3rd Reading

December 16th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to ban the Use of
Chlorofluorocarbons in Aerosol Spray Cans**

MR. BAIN

EXPLANATORY NOTE

This Bill provides for the banning of the use of restricted use chloro-
fluorocarbons in aerosol spray cans.

BILL 188

1976

An Act to ban the Use of Chlorofluorocarbons in Aerosol Spray Cans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "chlorofluorocarbon compound" includes trichlorofluoromethane (CFCl_3) and dichlorofluoromethane (CF_2Cl_2);
- (b) "Director" means the Director of the Air Resources Branch of the Ministry;
- (c) "environment" means the air, land and water or any combination thereof in the Province of Ontario;
- (d) "Minister" means the Minister of the Environment;
- (e) "Ministry" means the Ministry of the Environment;
- (f) "ozone" means an allotropic, triatomic form of oxygen, chemically described as O_3 ;
- (g) "person" includes a municipality and a corporation acting on behalf of Her Majesty in right of Ontario;
- (h) "prescribe" means prescribe by regulation;
- (i) "regulations" means the regulations under this Act;
- (j) "restricted use chlorofluorocarbon compound" includes a chlorofluorocarbon compound and those

related prescribed chlorofluorocarbons with similar physical and chemical properties.

Authority of Minister to enter into agreements with the Minister of the Environment (Canada)

2. The Minister may enter into agreements with the Minister of the Environment for Canada for the developing of national standards for the prohibition and use of aerosol spray cans containing restricted use chlorofluorocarbon compounds.

Prohibition re distribution, etc., of aerosol spray cans containing a restricted use chlorofluorocarbon

3. No person shall distribute, sell, offer or expose for sale in Ontario, after the 1st day of June, 1977, aerosol spray cans containing a restricted use chlorofluorocarbon, other than in accordance with the regulations.

Prohibition re purchase of aerosol cans containing a restricted use chlorofluorocarbon

4. No person shall purchase an aerosol spray can containing a restricted use chlorofluorocarbon, that is distributed, sold, offered or exposed for sale in Ontario, after the 1st day of June, 1977, other than in accordance with the regulations.

Ministry to undertake research re chlorofluorocarbon compounds

5.—(1) The Ministry shall undertake research,

- (a) to provide safe and effective substitutes for chlorofluorocarbon compounds in aerosol spray cans; and
- (b) into the danger to public health and the environment, including the ozone layer, posed by restricted use chlorofluorocarbon compounds.

Ministry to report to Legislature

(2) The Ministry shall report its findings under subsection 1 to the Legislature prior to the 1st day of January, 1978.

Offences

6.—(1) Every person who contravenes any provision of this Act or the regulations, and every director or officer of a corporation who knowingly concurs in such contravention, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Regulations

7. The Minister shall make regulations prior to the 1st day of June, 1977,

- (a) prescribing terms and conditions for the distribution, sale and offering for sale of certain classes of restricted use chlorofluorocarbon compounds in aerosol spray cans;
- (b) upon the recommendation of the Director, prohibiting the distribution, sale and offering for sale of certain classes of aerosol spray cans containing restricted use chlorofluorocarbon compounds;
- (c) prescribing classes of chlorofluorocarbon compounds as restricted use chlorofluorocarbon compounds;
- (d) limiting certain classes of restrictive use chlorofluorocarbon compounds to medical purposes.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

9. This Act may be cited as *The Use of Chlorofluoro-* ^{Short title}
carbons in Aerosol Spray Cans Act, 1976.





BILL 188

An Act to ban the Use
of Chlorofluorocarbons
in Aerosol Spray Cans

1st Reading

December 10th, 1976

2nd Reading

3rd Reading

MR. BAIN

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to establish the Unified Family Court

THE HON. R. McMURTRY
Attorney General

EXPLANATORY NOTES

The Bill creates a Court capable of dealing with all family matters in one forum in which is combined all the present jurisdiction of the Supreme Court, county courts and provincial courts in family matters. Judges necessary for the new Court would be judges who are appointed under section 96 of the *British North America Act* as county court judges and who are, therefore, local judges of the Supreme Court under section 118 of *The Judicature Act*. The jurisdiction of these local judges of the Supreme Court in family matters is extended to all the jurisdiction that a Supreme Court judge has in those matters. The Bill would also authorize the Judges to act as provincial court judges in family matters.

The Unified Family Court is initially established only for The Regional Municipality of Hamilton-Wentworth.

BILL 189

1976

An Act to establish the Unified Family Court

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "county court" includes a district court;
- (b) "Court" means the Unified Family Court;
- (c) "Judge" means a judge who may preside over the Court;
- (d) "judicial district" means the Judicial District of Hamilton-Wentworth.

2. There shall be a court of record in and for the Judicial District of Hamilton-Wentworth called the "Unified Family Court".

Court
established

3.—(1) The Unified Family Court shall be presided over by a judge or junior judge of a county court who is a local judge of the Supreme Court and who is authorized under subsection 2 to exercise the jurisdiction of a judge of a provincial court (family division).

Presiding
Judges

(2) The Lieutenant Governor in Council may authorize a judge or junior judge of a county court who is a local judge of the Supreme Court to exercise the jurisdiction of a judge of a provincial court (family division).

Authority
for family
court
matters

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule, other than by way of appeal, may be exercised by a local judge of the Supreme Court who is a Judge who may preside over the Unified Family Court.

Jurisdiction
of local
judge of
Supreme
Court

Exercise of
existing
jurisdiction

(4) A Judge shall exercise his jurisdiction as a local judge of the Supreme Court, a judge of a county court or a judge of a provincial court (family division) in the matters in which the Supreme Court, a county court or a provincial court (family division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule.

Ex officio
justice of
the peace

(5) A Judge is *ex officio* a justice of the peace.

Proceedings
in Unified
Family Court

4.—(1) Proceedings taken in a court or before a judge in the judicial district under the statutory provisions set out in the Schedule, other than by way of appeal, shall be commenced and styled in the Unified Family Court and the jurisdiction of the court or judge shall be exercised in the Unified Family Court.

Assigned
jurisdiction

(2) The Unified Family Court has and may exercise such other jurisdiction as is conferred upon it by or under any Act.

Parens
patriae
powers

(3) The Court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it.

Jurisdiction
exercised by
Judges

(4) The jurisdiction of the Court shall be exercised by a Judge.

Transfer to
Supreme
Court

5.—(1) A judge of the Supreme Court may, upon application, order that subsection 1 of section 4 does not apply in a matter over which the Supreme Court has jurisdiction where, in his opinion, the issues involve important questions of law or are related to other important issues over which jurisdiction may not be exercised in the Unified Family Court.

Time for
leave

(2) Where proceedings are commenced in the Unified Family Court, an application for leave under subsection 1 shall not be made after any hearing is commenced or after fifteen days after the proceeding is commenced, whichever occurs first.

Consent to
jurisdiction

(3) Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the Judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the Court may, by leave of a Judge and with the consent of the parties, determine and dispose of the combined matters.

Court
offices

6.—(1) The Court shall have an office and hold sittings in the judicial district.

(2) All proceedings commenced in or transferred to the Court shall be heard and determined without a jury. No jury

7.—(1) In all proceedings in which jurisdiction may be exercised in the Court, the Court has the same powers and duties as the Supreme Court to conduct its proceedings, grant remedies and enforce its judgments, orders and other process. Powers

(2) Sections 27, 35, 38, 41, 80, 82 and 119 of *The Judicature Act* apply to the Court and to Judges presiding in the Court, with necessary modifications. Application of R.S.O. 1970, c. 228, ss. 27, 35, 38, 41, 80, 82, 119

8.—(1) Proceedings under section 4 may be commenced in the Court where the applicant or the respondent resides in the judicial district. Place where proceedings commenced

(2) A Judge may, upon application, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the Judge, there is a preponderance of convenience for the matter to be dealt with by that court. Transfer to other court

(3) A judge of a court having jurisdiction in a matter referred to in section 4 in a county or district other than the judicial district may, upon application, order that the proceeding in the matter be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that Court. Transfer from other court

(4) A judge making an order under subsection 2 or 3 may give such directions for the transfer and order such costs as he considers appropriate. Directions and costs

9. The Court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding Judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. Closed hearings

10.—(1) Where a proceeding is commenced in the Court in a matter respecting which jurisdiction may not be exercised in the Court, the Court may order by and to whom the costs of the proceeding shall be paid. Costs where no jurisdiction

(2) The Court may direct a reference to any officer of the Court in accordance with the rules of the Court. References

Contempt	11. —(1) The Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed six months.
Conditions of sentence	(2) The imposition of a penalty under subsection 1 may be made conditional upon default in the performance of an undertaking and an order for imprisonment may provide for the imprisonment to be served intermittently.
Where Judge leaves office	12. Where a Judge ceases to hold office, he may within eight weeks give judgment or make an order or decision in a proceeding previously heard by him as if he had continued in office.
Status of orders	13. Any order or judgment of a Judge sitting in the Unified Family Court made in the exercise of his jurisdiction as a local judge of the Supreme Court or a judge of the county court is an order of the Supreme Court or the county court, respectively, for all purposes.
Appeals	14. —(1) Subject to subsection 2, any provision for an appeal from an order or decision made under the statutory provisions set out in the Schedule applies to the order or decision when made in the exercise of the jurisdiction by a Judge presiding over the Unified Family Court.
Idem	(2) Any provision for an appeal to a county court or a judge thereof from an order or decision made under the statutory provisions set out in the Schedule shall be deemed to provide for an appeal to a judge of the Supreme Court in accordance with the rules of that court and, on the appeal, the court may set aside the order and direct any other order to be entered or may direct a new trial and may make such other order as to costs and otherwise as appears just.
Idem	(3) Where no provision is made for an appeal from an order or decision of a Judge presiding over the Unified Family Court, an appeal lies, <ul style="list-style-type: none"> (a) to the Court of Appeal from a final order or decision; (b) to a judge of the Supreme Court from an interlocutory order or decision, in accordance with the rules of the Supreme Court.
Criminal jurisdiction R.S.C. 1970. c. C-34	15. A Judge presiding over the Unified Family Court has all the powers of a magistrate under the <i>Criminal Code</i>

(Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Court, R.S.C. 1970, c. C-34

(a) is a juvenile court for the purpose of dealing with juvenile delinquents under the *Juvenile Delinquents Act* (Canada) and has all the powers vested in a juvenile court under that Act; and R.S.C. 1970, c. J-3

(b) has power to try any child charged with an offence against the laws of Ontario.

16. A clerk of the Court and such officers and employees as are considered necessary shall be appointed for the Court under *The Public Service Act*. Clerks, officers and employees R.S.O. 1970, c. 386

17.—(1) A detention and observation home may be established, maintained and operated as a part of the Court. Detention and observation home

(2) A conciliation service may be established, maintained and operated as part of the Court. Conciliation service

18. Every probation officer appointed for the Court has, while acting in the discharge of his duties, all the powers of a police constable. Powers of probation officers

19. Every Judge shall take and sign the following oath of office before commencing his duties: Oath of office

I,, swear (or solemnly affirm) that I will truly and faithfully execute the duties, powers and trusts of a Judge presiding over the Unified Family Court, to the best of my skill and knowledge.

So help me God. (*Omit this line in an affirmation*).

20.—(1) The Lieutenant Governor in Council may make rules regulating any matters relating to the practice and procedure of the Court, including, without limiting the generality of the foregoing, Rules of the Court

(a) regulating the duties of officers of the Court;

(b) regulating the costs of proceedings in the Court;

(c) providing for the taxation of costs and prescribing tariffs therefor;

(d) prescribing the seal of the Court;

- (e) designating referees and providing for references to referees and appeals therefrom;
- (f) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the Court or a judge sitting therein;
- (g) governing the deposit in or payment or transfer into or out of the Court of any money or property or the dealing therewith;
- (h) allowing for service out of Ontario.

Idem

(2) Where provisions in respect of practice or procedure are contained in any Act, rules may be made adding to or modifying such provisions to any extent that is considered necessary for the equitable despatch of the business of the Court unless that power is expressly excluded.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by the Court;
- (b) providing for the safekeeping, inspection and destruction of books, documents and papers of the Court;
- (c) providing for a system of recording and transcribing evidence before the Court;
- (d) providing for the appointment and employment of stenographic reporters to record evidence before the Court and fixing their fees, expenses and other forms of remuneration;
- (e) prescribing the functions of and providing for the management of a detention and observation home and a conciliation service under this Act;
- (f) prescribing the duties of the officers and employees on the staff of the Court or of any class of such officers or employees;
- (g) providing for a system of statistical records relating to the Court;
- (h) requiring the payment of fees in respect of proceedings in the Court and prescribing the amounts thereof.



SECTION 22. The section amended excepts appeals from the county courts from the appeals going to the Divisional Court. The amendment would also except appeals from the Unified Family Court.

SECTION 23. The provision amended requires there to be a provincial court (family division) in each county and district. The amendment excepts the judicial district in which the Unified Family Court is established.

22. Subsection 2 of section 17 of *The Judicature Act*, R.S.O. 1970, being chapter 228 of the Revised Statutes of Ontario, s. 228, 1970, as re-enacted by the Statutes of Ontario, 1971, s. 17 (2), chapter 57, section 1, is amended by inserting after "Act" amended where it occurs the second time in the first line "*The Unified Family Court Act, 1976*".

23. Subsection 1 of section 17 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, R.S.O. 1970, s. 369, 1970, is amended by inserting after "district" in the first line "except the Judicial District of Hamilton-Wentworth", s. 17 (1), amended

24. This Act is repealed on a day that is three years after it comes into force. Repeal

25. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

26. This Act may be cited as *The Unified Family Court Act, 1976*. Short title

SCHEDULE

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>Divorce Act (Canada)</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Family Law Reform Act, 1976</i>	All except section 32
<i>The Infants Act</i>	All
<i>The Marriage Act, 1976</i>	Sections 6 and 9
<i>The Minors' Protection Act</i>	Section 2
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

BILL 189

An Act to establish
the Unified Family Court

1st Reading

December 13th, 1976

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to establish the Unified Family Court

THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill creates a Court capable of dealing with all family matters in one forum in which is combined all the present jurisdiction of the Supreme Court, county courts and provincial courts in family matters. Judges necessary for the new Court would be judges who are appointed under section 96 of the *British North America Act* as county court judges and who are, therefore, local judges of the Supreme Court under section 118 of *The Judicature Act*. The jurisdiction of these local judges of the Supreme Court in family matters is extended to all the jurisdiction that a Supreme Court judge has in those matters. The Bill would also authorize the Judges to act as provincial court judges in family matters.

The Unified Family Court is initially established only for The Regional Municipality of Hamilton-Wentworth.

BILL 189

1976

An Act to establish the Unified Family Court

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "county court" includes a district court;
- (b) "Court" means the Unified Family Court;
- (c) "Judge" means a judge who may preside over the Court;
- (d) "judicial district" means the Judicial District of Hamilton-Wentworth.

2. There shall be a court of record in and for the Judicial District of Hamilton-Wentworth called the "Unified Family Court".

Court
established

3.—(1) The Unified Family Court shall be presided over by a judge or junior judge of a county court who is a local judge of the Supreme Court and who is authorized under subsection 2 to exercise the jurisdiction of a judge of a provincial court (family division).

Presiding
Judges

(2) The Lieutenant Governor in Council may authorize a judge or junior judge of a county court who is a local judge of the Supreme Court to exercise the jurisdiction of a judge of a provincial court (family division).

Authority
for family
court
matters

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule, other than by way of appeal, may be exercised by a local judge of the Supreme Court who is a Judge who may preside over the Unified Family Court.

Jurisdiction
of local
judge of
Supreme
Court

Exercise of
existing
jurisdiction

(4) A Judge shall exercise his jurisdiction as a local judge of the Supreme Court, a judge of a county court or a judge of a provincial court (family division) in the matters in which the Supreme Court, a county court or a provincial court (family division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule.

Ex officio
justice of
the peace

(5) A Judge is *ex officio* a justice of the peace.

Proceedings
in Unified
Family Court

4.—(1) Proceedings taken in a court or before a judge in the judicial district under the statutory provisions set out in the Schedule, other than by way of appeal, shall be commenced and styled in the Unified Family Court and the jurisdiction of the court or judge shall be exercised in the Unified Family Court.

Assigned
jurisdiction

(2) The Unified Family Court has and may exercise such other jurisdiction as is conferred upon it by or under any Act.

Parens
patriae
powers

(3) The Court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it.

Jurisdiction
exercised by
Judges

(4) The jurisdiction of the Court shall be exercised by a Judge.

Consent to
jurisdiction

5. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the Judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the Court may, by leave of the Judge and with the consent of the parties, determine and dispose of the combined matters.

Court
offices

6.—(1) The Court shall have an office and hold sittings in the judicial district.

No jury

(2) All proceedings commenced in or transferred to the Court shall be heard and determined without a jury.

Powers

7.—(1) In all proceedings in which jurisdiction may be exercised in the Court, the Court has the same powers and duties as the Supreme Court to conduct its proceedings, grant remedies and enforce its judgments, orders and other process.

Application
of
R.S.O. 1970,
c. 228,
ss. 27, 35, 38,
41, 80, 82, 119

(2) Sections 27, 35, 38, 41, 80, 82 and 119 of *The Judicature Act* apply to the Court and to Judges presiding in the Court, with necessary modifications.

8.—(1) Proceedings under section 4 may be commenced in the Court where the applicant or the respondent resides in the judicial district. Place where proceedings commenced

(2) A Judge may, upon application, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the Judge, there is a preponderance of convenience for the matter to be dealt with by that court. Transfer to other court

(3) A judge of a court having jurisdiction in a matter referred to in section 4 in a county or district other than the judicial district may, upon application, order that the proceeding in the matter be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that Court. Transfer from other court

(4) A judge making an order under subsection 2 or 3 may give such directions for the transfer and order such costs as he considers appropriate. Directions and costs

9. The Court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding Judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. Closed hearings

10.—(1) Where a proceeding is commenced in the Court in a matter respecting which jurisdiction may not be exercised in the Court, the Court may order by and to whom the costs of the proceeding shall be paid. Costs where no jurisdiction

(2) The Court may direct a reference to any officer of the Court in accordance with the rules of the Court. References

11.—(1) The Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed six months. Contempt

(2) The imposition of a penalty under subsection 1 may be made conditional upon default in the performance of an undertaking and an order for imprisonment may provide for the imprisonment to be served intermittently. Conditions of sentence

12. Where a Judge ceases to hold office, he may within eight weeks give judgment or make an order or decision Where Judge leaves office

in a proceeding previously heard by him as if he had continued in office.

Status of
orders

13. Any order or judgment of a Judge sitting in the Unified Family Court made in the exercise of his jurisdiction as a local judge of the Supreme Court or a judge of the county court is an order of the Supreme Court or the county court, respectively, for all purposes.

Appeals

14.—(1) Subject to subsection 2, any provision for an appeal from an order or decision made under the statutory provisions set out in the Schedule applies to the order or decision when made in the exercise of the jurisdiction by a Judge presiding over the Unified Family Court.

Idem

(2) Any provision for an appeal to a county court or a judge thereof from an order or decision made under the statutory provisions set out in the Schedule shall be deemed to provide for an appeal to a judge of the Supreme Court in accordance with the rules of that court and, on the appeal, the court may set aside the order and direct any other order to be entered or may direct a new trial and may make such other order as to costs and otherwise as appears just.

Idem

(3) Where no provision is made for an appeal from an order or decision of a Judge presiding over the Unified Family Court, an appeal lies,

(a) to the Court of Appeal from a final order or decision;

(b) to a judge of the Supreme Court from an interlocutory order or decision,

in accordance with the rules of the Supreme Court.

Criminal
jurisdiction
R.S.C. 1970,
c. C-34

15. A Judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Court,

R.S.C. 1970,
c. J-3

(a) is a juvenile court for the purpose of dealing with juvenile delinquents under the *Juvenile Delinquents Act* (Canada) and has all the powers vested in a juvenile court under that Act; and

(b) has power to try any child charged with an offence against the laws of Ontario.

16. A clerk of the Court and such officers and employees as are considered necessary shall be appointed for the Court under *The Public Service Act*. Clerks,
officers and
employees
R.S.O. 1970,
c. 386

17.—(1) A detention and observation home may be established, maintained and operated as a part of the Court. Detention
and
observation
home

(2) A conciliation service may be established, maintained and operated as part of the Court. Conciliation
service

18. Every probation officer appointed for the Court has, while acting in the discharge of his duties, all the powers of a police constable. Powers of
probation
officers

19. Every Judge shall take and sign the following oath of office before commencing his duties: Oath of
office

I,, swear (or solemnly affirm) that I will truly and faithfully execute the duties, powers and trusts of a Judge presiding over the Unified Family Court, to the best of my skill and knowledge.

So help me God. (*Omit this line in an affirmation*).

20.—(1) The Lieutenant Governor in Council may make rules regulating any matters relating to the practice and procedure of the Court, including, without limiting the generality of the foregoing, Rules of
the Court

- (a) regulating the duties of officers of the Court;
- (b) regulating the costs of proceedings in the Court;
- (c) providing for the taxation of costs and prescribing tariffs therefor;
- (d) prescribing the seal of the Court;
- (e) designating referees and providing for references to referees and appeals therefrom;
- (f) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the Court or a judge sitting therein;
- (g) governing the deposit in or payment or transfer into or out of the Court of any money or property or the dealing therewith;
- (h) allowing for service out of Ontario.

Idem

(2) Where provisions in respect of practice or procedure are contained in any Act, rules may be made adding to or modifying such provisions to any extent that is considered necessary for the equitable despatch of the business of the Court unless that power is expressly excluded.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by the Court;
- (b) providing for the safekeeping, inspection and destruction of books, documents and papers of the Court;
- (c) providing for a system of recording and transcribing evidence before the Court;
- (d) providing for the appointment and employment of stenographic reporters to record evidence before the Court and fixing their fees, expenses and other forms of remuneration;
- (e) prescribing the functions of and providing for the management of a detention and observation home and a conciliation service under this Act;
- (f) prescribing the duties of the officers and employees on the staff of the Court or of any class of such officers or employees;
- (g) providing for a system of statistical records relating to the Court;
- (h) requiring the payment of fees in respect of proceedings in the Court and prescribing the amounts thereof.

R.S.O. 1970,
c. 228,
s. 17 (2),
amended

22. Subsection 2 of section 17 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is amended by inserting after "Act" where it occurs the second time in the first line "*The Unified Family Court Act, 1976*".

R.S.O. 1970,
c. 369
s. 17 (1),
amended

23. Subsection 1 of section 17 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by inserting after "district" in the first line "except the Judicial District of Hamilton-Wentworth".

SECTION 22. The section amended excepts appeals from the county courts from the appeals going to the Divisional Court. The amendment would also except appeals from the Unified Family Court.

SECTION 23. The provision amended requires there to be a provincial court (family division) in each county and district. The amendment excepts the judicial district in which the Unified Family Court is established.



24. This Act is repealed on a day that is three years ^{Repeal} after it comes into force.

25. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

26. This Act may be cited as *The Unified Family Court Act*, 1976. ^{Short title}

SCHEDULE

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>Divorce Act (Canada)</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Family Law Reform Act, 1976</i>	All except section 32
<i>The Infants Act</i>	All
<i>The Marriage Act, 1976</i>	Sections 6 and 9
<i>The Minors' Protection Act</i>	Section 2
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

BILL 189

An Act to establish
the Unified Family Court

1st Reading

December 13th, 1976

2nd Reading

December 15th, 1976

3rd Reading

THE HON. R. MCMURTRY
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 189

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to establish the Unified Family Court

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Received of the Treasurer of the
Board of Education

the sum of \$100.00 for the year 1871-1872

No.	Name	Age	Sex	Color	Religion	Profession	Occupation	Education	Marital Status	Place of Birth	Date of Arrival	Date of Departure	Remarks
1	John Smith	25	M	W	C	Teacher	Teacher	High School	Single	Massachusetts	1871	1872	
2	James Brown	22	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
3	William Johnson	20	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
4	Charles Davis	18	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
5	Thomas Wilson	16	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
6	Robert Taylor	14	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
7	Henry White	12	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
8	George Black	10	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
9	Edward Green	8	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	
10	Franklin Adams	6	M	W	C	Student	Student	High School	Single	Massachusetts	1871	1872	

BILL 189 1976

**An Act to establish
the Unified Family Court**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
ta-
tion

- (a) "county court" includes a district court;
- (b) "Court" means the Unified Family Court;
- (c) "Judge" means a judge who may preside over the Court;
- (d) "judicial district" means the Judicial District of Hamilton-Wentworth.

2. There shall be a court of record in and for the Judicial District of Hamilton-Wentworth called the "Unified Family Court".

Court
estab-
lished

3.—(1) The Unified Family Court shall be presided over by a judge or junior judge of a county court who is a local judge of the Supreme Court and who is authorized under subsection 2 to exercise the jurisdiction of a judge of a provincial court (family division).

Presiding
Judges

(2) The Lieutenant Governor in Council may authorize a judge or junior judge of a county court who is a local judge of the Supreme Court to exercise the jurisdiction of a judge of a provincial court (family division).

Authority
for family
court
matters

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule, other than by way of appeal, may be exercised by a local judge of the Supreme Court who is a Judge who may preside over the Unified Family Court.

Jurisdiction
of local
judge of
Supreme
Court

Exercise of
existing
jurisdiction

(4) A Judge shall exercise his jurisdiction as a local judge of the Supreme Court, a judge of a county court or a judge of a provincial court (family division) in the matters in which the Supreme Court, a county court or a provincial court (family division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule.

Ex officio
justice of
the peace

(5) A Judge is *ex officio* a justice of the peace.

Proceedings
in Unified
Family Court

4.—(1) Proceedings taken in a court or before a judge in the judicial district under the statutory provisions set out in the Schedule, other than by way of appeal, shall be commenced and styled in the Unified Family Court and the jurisdiction of the court or judge shall be exercised in the Unified Family Court.

Assigned
jurisdiction

(2) The Unified Family Court has and may exercise such other jurisdiction as is conferred upon it by or under any Act.

Parens
patriae
powers

(3) The Court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it.

Jurisdiction
exercised by
Judges

(4) The jurisdiction of the Court shall be exercised by a Judge.

Consent to
jurisdiction

5. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the Judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the Court may, by leave of the Judge and with the consent of the parties, determine and dispose of the combined matters.

Court
offices

6.—(1) The Court shall have an office and hold sittings in the judicial district.

No jury

(2) All proceedings commenced in or transferred to the Court shall be heard and determined without a jury.

Powers

7.—(1) In all proceedings in which jurisdiction may be exercised in the Court, the Court has the same powers and duties as the Supreme Court to conduct its proceedings, grant remedies and enforce its judgments, orders and other process.

Application
of
R.S.O. 1970,
c. 228,
ss. 27, 35, 38,
41, 80, 82, 119

(2) Sections 27, 35, 38, 41, 80, 82 and 119 of *The Judicature Act* apply to the Court and to Judges presiding in the Court, with necessary modifications.

8.—(1) Proceedings under section 4 may be commenced in the Court where the applicant or the respondent resides in the judicial district. Place where proceedings commenced

(2) A Judge may, upon application, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the Judge, there is a preponderance of convenience for the matter to be dealt with by that court. Transfer to other court

(3) A judge of a court having jurisdiction in a matter referred to in section 4 in a county or district other than the judicial district may, upon application, order that the proceeding in the matter be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that Court. Transfer from other court

(4) A judge making an order under subsection 2 or 3 may give such directions for the transfer and order such costs as he considers appropriate. Directions and costs

9. The Court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding Judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. Closed hearings

10.—(1) Where a proceeding is commenced in the Court in a matter respecting which jurisdiction may not be exercised in the Court, the Court may order by and to whom the costs of the proceeding shall be paid. Costs where no jurisdiction

(2) The Court may direct a reference to any officer of the Court in accordance with the rules of the Court. References

11.—(1) The Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed six months. Contempt

(2) The imposition of a penalty under subsection 1 may be made conditional upon default in the performance of an undertaking and an order for imprisonment may provide for the imprisonment to be served intermittently. Conditions of sentence

12. Where a Judge ceases to hold office, he may within eight weeks give judgment or make an order or decision Where Judge leaves office

in a proceeding previously heard by him as if he had continued in office.

Status of
orders

13. Any order or judgment of a Judge sitting in the Unified Family Court made in the exercise of his jurisdiction as a local judge of the Supreme Court or a judge of the county court is an order of the Supreme Court or the county court, respectively, for all purposes.

Appeals

14.—(1) Subject to subsection 2, any provision for an appeal from an order or decision made under the statutory provisions set out in the Schedule applies to the order or decision when made in the exercise of the jurisdiction by a Judge presiding over the Unified Family Court.

Idem

(2) Any provision for an appeal to a county court or a judge thereof from an order or decision made under the statutory provisions set out in the Schedule shall be deemed to provide for an appeal to a judge of the Supreme Court in accordance with the rules of that court and, on the appeal, the court may set aside the order and direct any other order to be entered or may direct a new trial and may make such other order as to costs and otherwise as appears just.

Idem

(3) Where no provision is made for an appeal from an order or decision of a Judge presiding over the Unified Family Court, an appeal lies,

(a) to the Court of Appeal from a final order or decision;

(b) to a judge of the Supreme Court from an interlocutory order or decision,

in accordance with the rules of the Supreme Court.

Criminal
jurisdiction
R.S.C. 1970,
c. C-34

15. A Judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Court,

R.S.C. 1970,
c. J-3

(a) is a juvenile court for the purpose of dealing with juvenile delinquents under the *Juvenile Delinquents Act* (Canada) and has all the powers vested in a juvenile court under that Act; and

(b) has power to try any child charged with an offence against the laws of Ontario.

16. A clerk of the Court and such officers and employees as are considered necessary shall be appointed for the Court under *The Public Service Act*. Clerks, officers and employees R.S.O. 1970, c. 386

17.—(1) A detention and observation home may be established, maintained and operated as a part of the Court. Detention and observation home

(2) A conciliation service may be established, maintained and operated as part of the Court. Conciliation service

18. Every probation officer appointed for the Court has, while acting in the discharge of his duties, all the powers of a police constable. Powers of probation officers

19. Every Judge shall take and sign the following oath of office before commencing his duties: Oath of office

I,, swear (or solemnly affirm) that I will truly and faithfully execute the duties, powers and trusts of a Judge presiding over the Unified Family Court, to the best of my skill and knowledge.

So help me God. (*Omit this line in an affirmation*).

20.—(1) The Lieutenant Governor in Council may make rules regulating any matters relating to the practice and procedure of the Court, including, without limiting the generality of the foregoing, Rules of the Court

- (a) regulating the duties of officers of the Court;
- (b) regulating the costs of proceedings in the Court;
- (c) providing for the taxation of costs and prescribing tariffs therefor;
- (d) prescribing the seal of the Court;
- (e) designating referees and providing for references to referees and appeals therefrom;
- (f) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the Court or a judge sitting therein;
- (g) governing the deposit in or payment or transfer into or out of the Court of any money or property or the dealing therewith;
- (h) allowing for service out of Ontario.

Idem

(2) Where provisions in respect of practice or procedure are contained in any Act, rules may be made adding to or modifying such provisions to any extent that is considered necessary for the equitable despatch of the business of the Court unless that power is expressly excluded.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by the Court;
- (b) providing for the safekeeping, inspection and destruction of books, documents and papers of the Court;
- (c) providing for a system of recording and transcribing evidence before the Court;
- (d) providing for the appointment and employment of stenographic reporters to record evidence before the Court and fixing their fees, expenses and other forms of remuneration;
- (e) prescribing the functions of and providing for the management of a detention and observation home and a conciliation service under this Act;
- (f) prescribing the duties of the officers and employees on the staff of the Court or of any class of such officers or employees;
- (g) providing for a system of statistical records relating to the Court;
- (h) requiring the payment of fees in respect of proceedings in the Court and prescribing the amounts thereof.

R.S.O. 1970,
c. 228,
s. 17 (2),
amended

22. Subsection 2 of section 17 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is amended by inserting after "Act" where it occurs the second time in the first line "*The Unified Family Court Act, 1976*".

R.S.O. 1970,
c. 369,
s. 17 (1),
amended

23. Subsection 1 of section 17 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by inserting after "district" in the first line "except the Judicial District of Hamilton-Wentworth".

24. This Act is repealed on a day that is three years ^{Repeal} after it comes into force.

25. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

26. This Act may be cited as *The Unified Family Court* ^{Short title} Act, 1976.

SCHEDULE

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>Divorce Act (Canada)</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Family Law Reform Act, 1976</i>	All except section 32
<i>The Infants Act</i>	All
<i>The Marriage Act, 1976</i>	Sections 6 and 9
<i>The Minors' Protection Act</i>	Section 2
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7070
TEL: 773/936-5000 FAX: 773/936-5001
WWW: WWW.CHEM.UCHICAGO.EDU

PROFESSOR OF CHEMISTRY
AND
DIRECTOR OF THE DIVISION OF THE PHYSICAL SCIENCES

DR. [Name] is a member of the National Academy of Sciences, the American Academy of Arts and Sciences, and the American Philosophical Society. He is also a member of the American Chemical Society, the American Physical Society, and the American Society for the Advancement of Science.

He has received numerous awards and honors, including the National Medal of Science, the American Chemical Society Award of Pure Chemistry, and the American Physical Society Award of Pure Physics. He is also a recipient of the Robert A. Welch Foundation Award for Research in Chemistry.

He has published over 100 papers in the fields of chemistry and physics, and has co-authored several books. He is also a frequent speaker at national and international conferences, and has served on numerous committees and advisory boards.

He is currently working on a project to develop new materials for use in the field of nanotechnology. This project is funded by the National Science Foundation and the Department of Energy.

He is also working on a project to develop new methods for the synthesis of organic molecules. This project is funded by the National Institutes of Health.



BILL 189

An Act to establish
the Unified Family Court

1st Reading

December 13th, 1976

2nd Reading

December 15th, 1976

3rd Reading

December 16th, 1976

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

EXPLANATORY NOTE

The amendment increases the number of judges authorized for the High Court by one from thirty-six to thirty-seven.

BILL 190

1976

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, being ^{s. 5 (1),} amended chapter 228 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 16, section 1, is further amended by striking out "thirty-six" in the amendment of 1976 and inserting in lieu thereof "thirty-seven".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Judicature Amendment Act*, ^{Short title} 1976.

An Act to amend
The Judicature Act

1st Reading

December 13th, 1976

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

BILL 190

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

Received of the Treasurer of the

Board of Directors of the

City of New York

the sum of \$100.00

for the purchase of

BILL 190

1976

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, being ^{s. 5 (1),} chapter 228 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 16, section 1, is further amended by striking out "thirty-six" in the amendment of 1976 and inserting in lieu thereof "thirty-seven".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Judicature Amendment Act*, ^{Short title}
1976.

BILL 190

An Act to amend
The Judicature Act

1st Reading

December 13th, 1976

2nd Reading

December 15th, 1976

3rd Reading

December 15th, 1976

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to reform the
Law respecting the Status of Children**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

PART I. The Bill would remove any distinction in law between legitimate and illegitimate children. A child would be a child of his natural parents regardless of their marital status.

PART II. This Part deals with the establishment of parentage. Maternity is generally ascertainable through the event of birth, registration and nurture. The existence of certain circumstances set out in section 8 would raise a presumption of paternity similar to the present presumption of legitimacy if born in wedlock. Also, similarly, the presumption can be rebutted where an issue arises turning on paternity.

BILL 191 **1976**

**An Act to reform the
Law respecting the Status of Children**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

EQUAL STATUS OF CHILDREN

- 1.**—(1) Subject to subsection 2, for all purposes of the law of Ontario a person is the child of his or her natural parents and his or her status as their child is independent of the marital status of the parents. Rule of parentage
- (2) Where an adoption order has been made, section 83 of *The Child Welfare Act* applies and the child is the child of the adopting parents as if they were the natural parents. Exception for adopted children
R.S.O. 1970, c. 64
- (3) Where persons are in the relationship of parent and child as determined under subsection 1 or 2, the relationship shall be recognized in determining the kindred relationships flowing therefrom for any purpose. Kindred relationships
- (4) Any distinction at common law between the status of children born in wedlock and born out of wedlock is abolished and the relationship of parent and child and kindred relationships flowing therefrom shall be determined for the purposes of the common law in accordance with this section. Common law distinction of legitimacy abolished
- 2.**—(1) For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be construed to refer to or include a person who comes within the description by reason of Rule of construction

the relationship of parent and child as determined under section 1.

- Application** (2) Subsection 1 applies to,
- (a) any Act of the Legislature or any regulation, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and
 - (b) any instrument made on or after the day this Act comes into force.

PART II

ESTABLISHMENT OF PARENTAGE

Court under ss. 4-7 **3.** The court having jurisdiction for the purposes of sections 4 to 7 shall be the Unified Family Court in the Judicial District of Hamilton-Wentworth and the Supreme Court in the other parts of Ontario.

Application for declaration of parentage **4.—**(1) Any person may apply to the court for a declaration that another person is his or her child or parent, where the relationship of parent and child is not recognized in law under section 8.

Limitation (2) An application shall not be made under subsection 1 unless both the person claiming or alleging to be the parent and the person claiming or alleging to be the child are living.

Declaratory order (3) Where the court finds on the balance of probabilities that the relationship of parent and child has been established, the court may make a declaratory order to that effect and, subject to sections 6 and 7, the order shall be recognized for all purposes.

Application for declaration confirming recognition in law **5.—**(1) Any person having an interest may apply to the court for a declaration as to the existence or otherwise of parentage that is recognized in law under section 8.

Declaratory order (2) Where the court finds that a presumption under section 8 exists, the court shall make a declaratory order confirming that the parentage is recognized in law unless it is established, on the balance of probabilities, that the relationship of parent and child does not exist.

Idem (3) Subject to sections 6 and 7, an order made under this section shall be recognized for all purposes.

SECTION 4. Judicial procedure is provided for establishing parentage where there is no presumption, but only during the life of both parent and child.

SECTION 5. Judicial procedure is provided for confirming parentage that is under a presumption. This may be taken by a third person having an interest, e.g., the personal representative in an estate, and both the parent and child do not have to be living.

SECTIONS 6 AND 7. Review on new evidence and appeals are provided for.

SECTION 8. The presumptions of paternity are set out.

6. Where a declaration has been made under section 4 or 5 and evidence becomes available that was not available at the previous hearing, the court may, upon application, discharge or vary the order and make such other orders or directions as are ancillary thereto. ^{Reopening on new evidence}

7. An appeal lies from an order under section 4 or 5 in accordance with the rules of the court. ^{Appeal}

8.—(1) Unless the contrary is proven on a balance of probabilities, there is a presumption that a male person is, and he shall be recognized in law to be, the father of a child in any one of the following circumstances: ^{Recognition in law of parentage}

1. The person is married to the mother of the child at the time of the birth of the child.
2. The person was married to the mother of the child by a marriage that was terminated by death of the husband, a judgment nisi of divorce or a declaration of nullity within 300 days before the birth of the child.
3. The person marries the mother of the child after the birth of the child and acknowledges that he is the natural father.
4. The person was living together with the mother of the child as husband and wife in a relationship of some permanence at the time of the birth of the child or the child is born within 300 days after the termination of the relationship.
5. The person and the mother of the child have filed the statutory declaration provided for in subsection 8 of section 6 of *The Vital Statistics Act* or a similar provision under the corresponding Act in another jurisdiction in Canada. ^{R.S.O. 1970, c. 483}
6. The person has been found or recognized by a court of competent jurisdiction in Canada to be the father of the child.

(2) Where a man and woman have gone through a form of ceremony for a marriage that is a nullity they shall be deemed, for the purposes of subsection 1, to have been married during the period during which they purported to be married. ^{Where marriage a nullity}

(3) Where circumstances exist that give rise to a presumption or presumptions of paternity by more than one ^{Conflicting presumptions}

father under subsection 1, no presumption shall be made as to paternity nor recognition given in law thereto.

Admissibility in evidence of acknowledgment against interest

9. A written acknowledgment of parentage that is admitted in evidence in any civil proceeding against the interest of the person making the acknowledgment is *prima facie* proof of the fact.

Approved blood tests

10.—(1) Upon the application of a party in a civil proceeding in which the court is called upon to determine the parentage of a child, the court may give the party leave to obtain and submit in evidence the results of blood tests of such persons as are named in the order granting leave.

Conditions attached

(2) Leave under subsection 1 may be given subject to such terms and conditions as the court thinks proper.

Inference from refusal

(3) Where leave is given under subsection 1 and a person named therein refuses to submit to the blood test, the court may draw such inferences as it thinks appropriate.

Consent where incapacity

(4) Where a person named in an order granting leave under subsection 1 is not capable of consenting to having a blood test taken, the consent shall be deemed to be sufficient,

(a) where the person is a minor of the age of sixteen years or more, if the minor consents;

(b) where the person is a minor under the age of sixteen years, if the person having his custody and control consents; and

(c) where the person is without capacity for any reason other than minority, if the person having his custody and control consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

Regulations for blood tests

11. The Lieutenant Governor in Council may make regulations governing blood tests for which leave is given by a court under section 10 including, without limiting the generality of the foregoing,

(a) the method of taking blood samples and the handling, transportation and storage thereof;

(b) the conditions under which a blood sample may be tested;

SECTIONS 10 AND 11. The use of blood tests as evidence of paternity is encouraged by regulating standards for testing, by facilitating medical consents in cases of persons without capacity and by permitting the court to attach evidentiary significance to a refusal.

SECTIONS 12, 13 AND 14. Provision is made for acknowledgment of paternity by statutory declaration to be filed and available in the office of the Registrar General, with no special evidentiary value except when used in a court case against interest. Other documents clarifying paternity would also be collected and available.

- (c) designating persons or facilities or classes thereof who are authorized to conduct blood tests for the purposes of section 10;
- (d) prescribing procedures respecting the admission of reports of blood tests in evidence;
- (e) prescribing forms for the purpose of section 10 and this section and providing for their use.

12.—(1) Any person may file in the office of the Registrar General a statutory declaration, in the form prescribed by the regulations, affirming that he is the father of a child. Statutory declaration of paternity

(2) The Registrar General shall not amend a registration of birth on the strength of a statutory declaration filed under subsection 1. Not affecting registration of birth

(3) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person having an interest may inspect any relevant statutory declaration filed under subsection 1 and obtain a certified copy thereof from the Registrar General. Inspection and copies R.S.O. 1970, c. 483

13. Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person having an interest may inspect any statutory declaration filed under subsection 8 of section 6 of *The Vital Statistics Act* and obtain a certified copy thereof from the Registrar General. Inspection and copies of declaration under R.S.O. 1970, c. 483, s. 6 (8)

14. Section 41 of *The Vital Statistics Act* applies to certified copies of statutory declarations issued by the Registrar General under sections 11 and 12 in the same manner as to certified copies of registrations. Certified copies as evidence

15.—(1) The registrar or clerk of every court in Ontario shall furnish the Registrar General with a statement in the form prescribed by the regulations respecting each order or judgment of the court that makes a finding of parentage or that is based upon a recognition of parentage. Filing of court decisions respecting parentage

(2) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person may inspect an order or judgment filed under subsection 1. Inspection by public

16. The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of this Part. Regulations for forms

PART III

COMPLEMENTARY AMENDMENTS

R.S.O. 1970,
c. 64, s. 67 (2),
amended

17.—(1) Subsection 2 of section 67 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimate” in the sixth line.

s. 67 (3),
amended

(2) Subsection 3 of the said section 67 is amended by striking out “legitimate” in the third line and inserting in lieu thereof “other” and by striking out “the legitimate children and the child or children born out of wedlock” in the seventh and eighth lines and inserting in lieu thereof “and children”.

R.S.O. 1970,
c. 242,
repealed

18. *The Legitimacy Act*, being chapter 242 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 343, s. 7 (4),
amended

19. Subsection 4 of section 7 of *The Perpetuities Act*, being chapter 343 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimation” in the second line.

R.S.O. 1970,
c. 396, s. 30,
amended

20. Section 30 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimate child of his parents, or that the marriage of his father or mother or of his grandfather and grandmother was a valid marriage” in the second, third and fourth lines and inserting in lieu thereof “child of his parents”.

R.S.O. 1970,
c. 449,
s. 1 (d) (i),
amended

21.—(1) Subclause i of clause *d* of section 1 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimate”.

s. 1 (d) (iv),
amended

(2) Subclause iv of clause *d* of the said section 1 is amended by striking out “legitimate” in the first line.

s. 7 (11) (c) (i),
amended

(3) Subclause i of clause *c* of subsection 11 of section 7 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out “legitimate”.

R.S.O. 1970,
c. 483, s. 6 (2),
amended

22.—(1) Subsection 2 of section 6 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, is amended by striking out “an illegitimate child” in the first and second lines and inserting in lieu thereof “a child born outside marriage”.

PART III. The amendments eliminate specific references to legitimacy, illegitimacy or legitimation in other statutes.



(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed. ^{s. 12, repealed}

(3) Subsection 2 of section 41 of the said Act is repealed. ^{s. 41 (2), repealed}

23. Clause *r* of subsection 1 of section 1 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by striking out "and, where the employee is the parent or grandparent of an illegitimate child, includes such child and, where the employee is an illegitimate child, includes his parents and grandparents" in the eighth, ninth, tenth and eleventh lines and in the amendment of 1973. ^{R.S.O. 1970, c. 505, s. 1 (1) (r), amended}

24. This Act comes into force on the 1st day of July, 1977. ^{Commencement}

25. This Act may be cited as *The Children's Law Reform Act*, 1976. ^{Short title}

BILL 191

An Act to reform the
Law respecting the Status of Children

1st Reading

December 16th, 1976

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Education Act, 1974

MR. STONG

EXPLANATORY NOTE

This Bill defines "compulsory school age" and "special education" and guarantees every child of compulsory school age a right to an education. The Bill also transfers the establishing of special education programs from the discretion to the duty of a school board.

BILL 192

1976

**An Act to amend
The Education Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Education Act, 1974*, ^{s. 1 (1), amended} being chapter 109, as amended by the Statutes of Ontario, 1976, chapter 50, section 1, is further amended by adding thereto the following paragraphs:

6a. "compulsory school age" includes every child who attains the age of six years on or before the first school day in September in any year and continues until he attains the age of sixteen years.

62a. "special education" means a program which includes facilities adequate to instruct a child who exhibits a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages.

2. The said Act is amended by adding thereto the following ^{s. 19a. enacted} section:

19a. Every child of compulsory school age has a right ^{Right to an education} to an education.

3. Section 146 of the said Act, as amended by the Statutes of ^{s. 146. amended} Ontario, 1976, chapter 50, section 21, is further amended by adding thereto the following paragraph:

17. establish, subject to the regulations, special edu- ^{special education ser-} cation programs to provide special education ^{programs} vices for children who require such services.

s. 147 (1),
par. 40,
repealed

4. Paragraph 40 of subsection 1 of section 147 of the said Act is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Education Amendment Act, 1976*.







BILL 192

An Act to amend
The Education Act, 1974

1st Reading

December 16th, 1976

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

MR. CASSIDY

EXPLANATORY NOTE

This Bill extends rent review in Ontario beyond the expiry date of the 31st day of July, 1977. The process by which rent review has worked since the beginning of 1976 remains unchanged.

For each rental period of 12 months commencing on August the 1st of every year and terminating on July 31st of the following year, a maximum allowable rent increase is to be set by the Lieutenant Governor in Council. Rent increases up to that maximum will be permitted without reference to a rent review officer unless the tenant wishes to object, but only one such rent increase will be permitted in any 12-month period, so that the practice of "short leases" is effectively outlawed.

A new subsection 1 to section 2 provides that no increase that exceeds the maximum allowable rent increase may be charged in a rental period except where the landlord makes an application to the rent review officer under subsection 3 of section 2.

Subsection 2 of section 2 outlaws short term leases.

Subsections 3 and 4 of section 2 ensure that the right to appeal for a rent increase exceeding the maximum allowable rent increase, or to require the landlord to apply for a rent increase which falls within the maximum allowable rent increase, will be continued with the extension of rent review beyond the 31st of July, 1977.

Section 3 deletes the current expiry date for rent review.

BILL 193

1976

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Residential Premises Rent Review Act, 1975* (2nd Session), being chapter 12 is amended <sup>s. 1 (1),
amended</sup> by adding thereto the following clauses:

(ca) "maximum allowable percentage rent increase" for a rental period is the percentage amount determined, not later than 120 days before the commencement of the rental period, by the Lieutenant Governor in Council;

(ia) "rental period" means the period of 12 months beginning the 1st day of August of any year and expiring the 31st day of July of the subsequent year.

- 2.—(1) Subsection 2 of section 5 of the said Act, as amended <sup>s. 5 (2),
re-enacted</sup> by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

(2) Subject to subsection 2a and except as provided in subsection 3, notwithstanding the terms of any tenancy agreement giving a tenant the right to occupy or to renew the occupancy of residential premises for any period commencing on or after the 1st day of August, 1976, no landlord shall charge a tenant during any rental period an amount of rent for that residential premises which exceeds the last rent which was lawfully charged during the previous rental period by more than the maximum allowable percentage rent increase. <sup>Prohibition
re short
term leases</sup>

s. 5 (2a),
re-enacted

- (2) Subsection 2a of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Second
increase
in same
year

(2a) Where no order of a Rent Review Officer is in effect, no increase permitted under subsection 2 shall be charged to take effect within one year after the latest date upon which an increase within the limit prescribed by subsection 2 for the previous rental period takes effect, except upon the order of a Rent Review Officer applied for under subsection 3.

s. 5 (3),
amended

- (3) Subsection 3 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is further amended by striking out "between the 31st day of December, 1975 and the 1st day of August, 1977" in the eighth and ninth lines and inserting in lieu thereof "after the 31st day of December, 1975".

s. 5 (4),
re-enacted

- (4) Subsection 4 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by tenant
to require
justification of
increase

(4) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer, for any period or periods of occupancy after the 1st day of January, 1976, and whether or not such increase is within the limits set out in subsection 1, 2 or 2a, he may, not later than sixty days after he receives notice of the increase, give notice to the landlord requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase.

s. 20,
amended

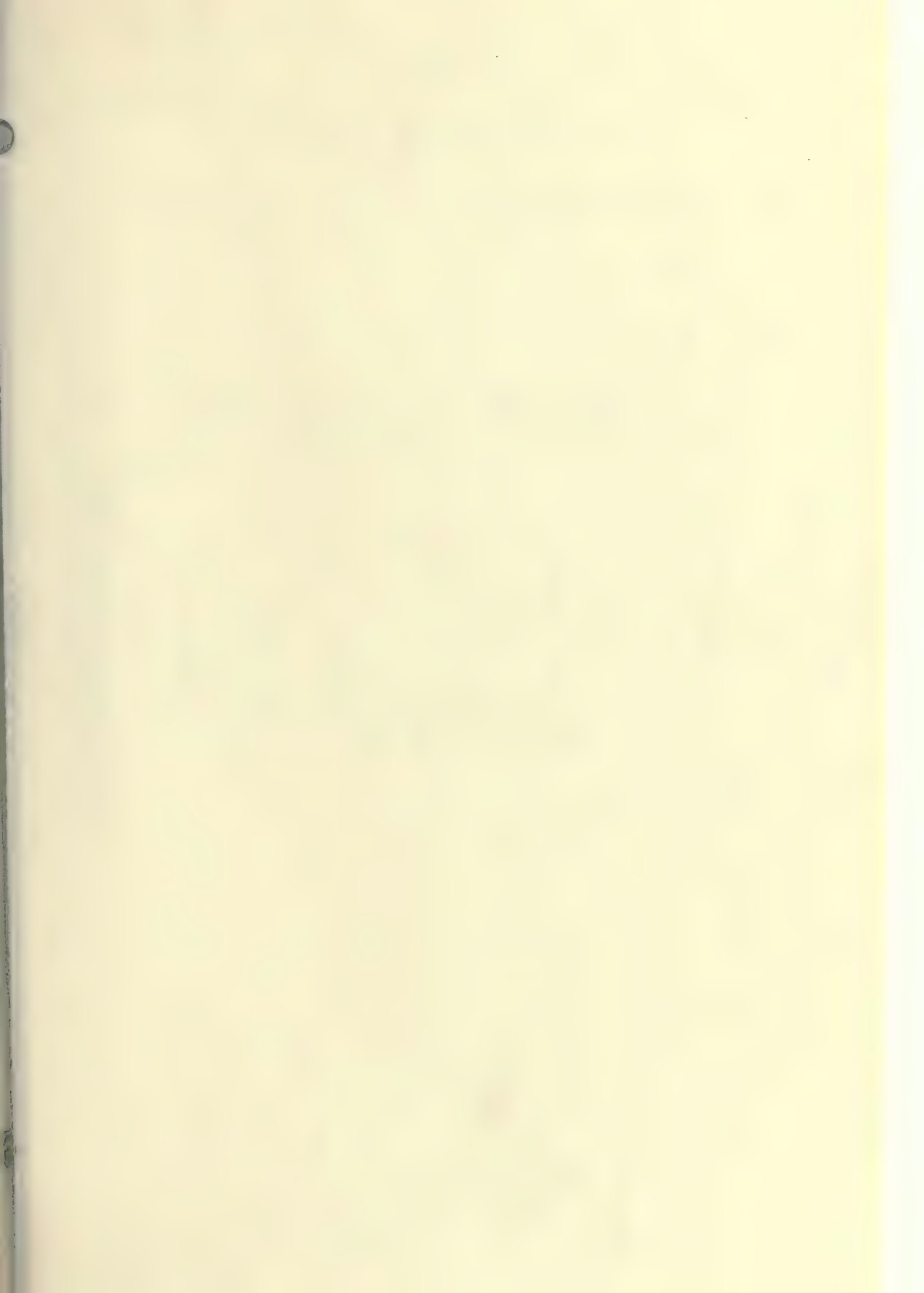
3. Section 20 of the said Act is amended by striking out "and is repealed on the 1st day of August, 1977" in the fifth line.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Residential Premises Rent Review Amendment Act, 1976*.



BILL 193

An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)

1st Reading

December 16th, 1976

2nd Reading

3rd Reading

MR. CASIDY

(Private Member's Bill)

BILL 194

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act for granting to Her Majesty certain
sums of money for the Public Service for the
fiscal year ending the 31st day of March, 1977**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

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BILL 194

1976

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1977

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the Honourable George A. Gale, Administrator of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1977; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue ^{\$11,441,824,900} Fund a sum not exceeding in the whole \$11,441,824,900 to be ^{granted for} applied towards defraying the several charges and expenses ^{fiscal year} of the public service, not otherwise provided for, from the ¹⁹⁷⁶⁻⁷⁷ 1st day of April, 1976, to the 31st day of March, 1977, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of ^{Exception} March, 1977, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Manage-

ment Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1976*.

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	89,000		89,000
Office of the Assembly.....	12,372,500	1,493,000	13,865,500
Office of the Premier.....	1,395,000		1,395,000
Cabinet Office.....	1,061,000		1,061,000
Management Board.....	179,600,000		179,600,000
Office of Provincial Auditor.....	1,593,000	95,000	1,688,000
Office of the Ombudsman.....	2,300,000	509,000	2,809,000
Government Services.....	291,309,500	2,400,000	293,709,500
Revenue.....	206,390,000		206,390,000
Treasury, Economics and Intergovernmental Affairs.....	474,331,000		474,331,000
Justice Policy.....	459,000		459,000
Attorney General.....	111,079,500	5,400,000	116,479,500
Consumer and Commercial Relations.....	64,330,000		64,330,000
Correctional Services.....	127,788,000		127,788,000
Solicitor General.....	128,863,000		128,863,000
Resources Development Policy....	3,374,000		3,374,000
Agriculture and Food.....	151,573,400		151,573,400
Energy.....	4,224,000		4,224,000
Environment.....	240,268,000	6,363,000	246,631,000
Housing.....	471,784,000	1,500,000	473,284,000
Industry and Tourism.....	62,646,000		62,646,000
Labour.....	18,788,000		18,788,000
Natural Resources.....	211,498,000	19,750,000	231,248,000
Transportation and Communications.....	984,673,000		984,673,000
Social Development Policy.....	2,015,000		2,015,000
Colleges and Universities.....	1,167,757,000		1,167,757,000
Community and Social Services...	985,473,000		985,473,000
Culture and Recreation.....	143,780,000	6,178,000	149,958,000
Education.....	1,855,593,000		1,855,593,000
Health.....	3,374,695,000	117,035,000	3,491,730,000
TOTAL.....	\$ 11,281,101,900	\$160,723,000	\$ 11,441,824,900

BILL 194

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1977

1st Reading

December 16th, 1976

2nd Reading

December 16th, 1976

3rd Reading

December 16th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

